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ABSTRACT

Two articles and a transcript of a colloquium discussion by seven practitioners/experts on the topic of educational policy in the Carter years are presented. The discussion group considered Carter's first year, zero-based budgeting, dimensions of leadership, the fiscal year 1979 budget, reorganization and a Department of Education, and the prospects to 1984. An article by Samuel Helperin discusses salient features of American education, the federal government's roles in formulating educational policy, external social forces, influences on Congressional action on educational issues, and prescription for improving the system. An article by George R. Kaplan considers federal educational policy in the second year of the Carter Presidency. The federal government's influence over the jurisdictions through legislation, federal court action, and administrative regulation is noted. The federal government has had a dominant position regarding research and development, equal opportunity, and educational reform. Congressional involvement in education; the possibility of the creation of a Department of Education; and the influence of an inner cadre of 10 or 12 main educational policy-movers of the Executive Branch are considered. (SW)

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EDUCATIONAL POLICY IN THE CARTER YEARS

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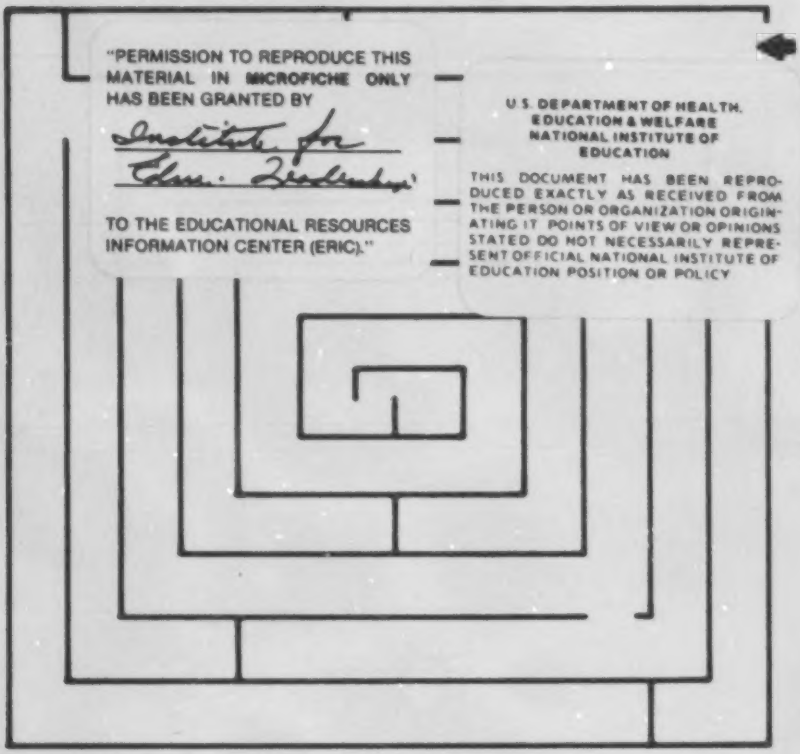

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INSTITUTE FOR EDUCATIONAL LEADERSHIP

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The Institute for Educational Leadership (IEL) seeks to strengthen present and potential leadership in American education at the policy level of state and federal government. Established in 1971, IEL is a policy planning and coordinating agency for a number of related educational programs, including Education Policy Fellowship Program (EPFP), Educational Staff Seminar (ESS), The Associates Program (TAP), a radio series over National Public Radio titled, "Options in Education," Family Impact Seminar (FIS), Washington Policy Seminar (WPS), Ford Fellows in Educational Journalism (FFEJ), and Education of the Handicapped Policy Project (EHPP).

A program of The George Washington University, IEL is supported by a grant from The Ford Foundation and by other foundation and federal grants and contracts.

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Education Policy Fellowship Program (EPFP) (formerly Washington Internships in Education) is a national program designed to help provide future leaders the skills in policy-making they must have to exert effective and enlightened leadership in American education. Funds for the program are provided by the Ford, Rockefeller, and Cleveland Foundations, and other grantors.

Since 1964, the program has placed over 450 mid-career persons in one-year internships in public and private agencies involved in educational policy matters. Carefully recruited sponsors, who pay the Fellow's salary, serve as on-the-job mentors by demonstrating, through their daily tasks, how educational policy is shaped at the urban, state, or national level. In addition, through weekly meetings, Fellows have the opportunity to interact with authorities in education. National meetings of Fellows with other special groups contribute further to their understanding of educational policymaking. Costs of recruitment, placement and programs are borne by the EPF Program.

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Telephone: 676-5948
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Established in 1969, ESS is funded by the Institute and by partial reimbursement from the government agencies served. In fiscal year 1977 ESS conducted 60 programs for over 1800 federal employees.

The Associates Program (TAP)
Telephone: 676-5935
The Associates Program (TAP) is an evolving IEL activity. Its emphasis up to now has been to provide seminars for legislators and other policymakers at state capitals. Begun in 1972 with three state educational seminars TAP now sponsors 32 seminars, all directed by Associates who, on a part-time basis, arrange 5 to 10 programs annually.

TAP maintains a network of state-level "generalists" (Associates) whose ties to IEL in the nation's capital provide rare linkages among federal and state education policysetters. TAP encourages similar linkages among agencies and coalitions seeking to improve processes in state-level decisionmaking. It also sponsors national and regional conferences dealing with state-level responsibilities in education.

"Options in Education"
Telephone: 785-6462 or 833-9178
IEL and National Public Radio co-produce the "Options in Education" series heard weekly over most of NPR's 201 member stations from coast to coast. Voice of America rebroadcasts the one-hour programs, and IEL makes cassettes and transcripts available at minimum costs. "Options" has received awards from the Association of State Education Department Information Officers (1978), The Education Writers Association (1974, '75 and '76) and from the Council for Advancement and Support of Education (1974). Funds for "Options in education" are provided by IEL, National Institute of Education, Carnegie Corporation, the Corporation for Public Broadcasting and other grantors.

Washington Policy Seminar (WPS)
Telephone: 676-5940
The Washington Policy Seminar (WPS) brings select groups of educators and policymakers to the Capital for three to five days of intensive exposure to the people, processes, and institutions which shape federal education policy. Speakers for the Seminar include Members of Congress, Congressional staff, senior officials of the Executive Branch, leaders of educational lobbies and associations, journalists and seasoned "Washington watchers." Funding for the Seminar is provided by IEL general support funds and reimbursement by sponsoring organizations.

Family Impact Seminar (FIS)
Telephone: 296-5330
The Family Impact Seminar seeks to identify and assess the effect on families and children of a variety of public policies. The Seminar and its several task forces are composed of scholars and policymakers. Together, they examine and test the feasibility of developing "family impact statements" on selected government policies and programs. The specific issues to be examined are selected from a broad range of existing or proposed public policies. The policies may include some in such areas as education, health or welfare, which are specifically designed to help families and children. Other areas such as taxation, which are focused primarily on other objectives, but nevertheless effect families and children, also are examined. Funding for the Seminar is provided by the Foundation for Child Development, the Lilly Endowment, Robert Sterling Clark, Mary Reynolds Babcock, Edna McConnell Clark Foundations and the Lydia DuPont Fund.

Ford Fellows in Educational Journalism
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The Ford Fellows in Educational Journalism is an intensive, short-term professional development program for educational reporters and journalists. This pioneering effort offers Fellows a "sabbatical" from the fast-paced immediacy of daily educational reporting and allows them to pursue a full-time, three-month course of independent study in their designated educational interest areas. The program, which is supported jointly by the Ford Foundation, participating news organizations, and the Institute for Educational Leadership, reflects the conviction that better informed media will be a direct and positive influence for better education.

Education of the Handicapped Policy Project (EHPP)
Telephone: 676-5910
EHPP is building a national network of informed individuals and organizations that deal with issues arising from implementation of "The Education for All Handicapped Children Act" (Public Law 94-142). Legislators, policymakers and educators participate in seminars, meetings, forums and workshops that are common to many IEL activities. However, the special contact and expertise of other Institute Programs—TAP, ESS, EPFP, WPS and FFEJ—form the collaborative means by which the Project is accomplished. The Project also supports two national competitions for Policy Fellows (1) who show promise as future leaders in handicapped education, and (2) who are involved in the newspaper media. Project activities are conducted in cooperation with the Bureau of Education for the Handicapped which is also the funding agency.

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Christopher T. Cross

William A. Blakey

Samuel Halperin

Gregory A. Humphrey

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Additional copies of *Educational Policy in the Carter Years* are available at $4.00 prepaid (less ten percent for orders of ten copies or more) from:

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Foreword

The Institute for Educational Leadership, as one of its objectives, seeks to improve the condition and processes of federal policymaking in education. Through its network of policymakers and national and state-based programs, IEL attempts to keep constructively yet critically abreast of the main forces that shape the vital Washington presence in Americal education.

The emerging picture of the processes and politics of the federal system has been one of fragmentation, messiness and confusion among Washington and the states over primacy and roles. Five seasoned participant-observers of the dynamics of Washington's educational policy system found in 1976 that an "adhocracy" reigned in which often conflicting purposes and processes ultimately did a disservice to the consumers of American education. (*Perspectives on Federal Educational Policy*: *An Informal Colloquium*, IEL, August 1976)* A group of equally distinguished observers, several of them from senior state-level posts, was equally critical, although generally optimistic, when it examined the condition of federal-state relations in education a short time later. (*Federalism at the Crossroads*: *Improving Educational Policymaking*, IEL, December 1976).*

In President Carter's second year in office, seven principal members of Washington's educational policymaking apparatus gathered to take stock. Had there been perceptible changes in purpose and attitudes? Was a Department of Education any closer to realization—and, if so, would it matter? Would such Carter-imported phenomena as Zero-Based Budgeting make a difference? Was there any prospect of an improved division of federal-state responsibility? Were Congress and the Executive Branch more inclined to work in common cause than they had been in 1976?

Unlike their colleagues of the 1976 discussion, IEL's assemblage of 1978 had two strong, if debatable, starting points: the largest increase in the federal education budget in history, and an explicit presidential call for a Cabinet-level Department of Education. Much water had, indeed, flowed over the dam since 1976, but the ensuing analysis yielded a wide variety of opinions as to its course and direction. Some of these opinions are, predictably, reflections of political or

* Available from IEL; see details on inside rear cover.

interest group loyalty; others are rooted in a continuing skepticism over the proper federal role; all are informed and responsible.

The Institute for Educational Leadership is indebted to the seven distinguished contributors to this attempt to illuminate a still foggy corner of federal policy. With individuals of their calibre in positions of consequence in the Executive and Legislative Branches, the states, and major educational groups, we believe that the fog will inevitably lift, and sensible, if hard-fought, processes and policies will ultimately emerge.

To round out the Institute for Educational Leadership's look at the state of the federal educational policy scene in 1978, the Institute's Director, Samuel Halperin, offers "Some Diagnoses and Prescriptions" and the Coordinator of the Washington Policy Seminar, George R. Kaplan, comments on "Federal Educational Policy in Transition." The Institute is indebted to the *New York University Education Quarterly* for permission to reprint the latter article, which appeared in its Summer 1978 issue.

Washington, D.C.
September 1978

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I

A Colloquium on the Second Carter Year

Participants

WILLIAM A. "BUDDY" BLAKEY, a lawyer and civil rights activist, is Deputy Assistant Secretary for Legislation (Education) in the Department of Health, Education, and Welfare, where he is responsible for coordinating the Carter Administration's proposals on education for presentation to the Congress.

CHRISTOPHER T. CROSS, Minority Staff Director on the House Committee on Education and Labor, was formerly a Deputy Assistant Secretary for Legislation in HEW, a Presidential commission staffer, and a college administrator.

GREGORY A. HUMPHREY, Co-Director of the Department of Legislation of the American Federation of Teachers, has been President of the Committee for Full Funding of Education Programs, an active unionist, political campaigner, and lobbyist on educational issues.

JOHN F. JENNINGS, Counsel and Staff Director of the Subcommittee on Elementary and Secondary and Vocational Education of the Committee on Education and Labor of the U.S. House of Representatives, is a lawyer who has been a key drafter of federal legislation, especially in the areas of elementary, secondary, and vocational education, since 1967.

AIMS C. McGUINNESS, JR., formerly legislative assistant to a U.S. Senator, is now Coordinator of Federal Relations of the Education Commission of the States in Denver, where he directs, plans, and coordinates federal relations activities of the Commission.

MICHAEL O'KEEFE, currently Deputy Assistant Secretary for Planning and Evaluation (Education) in HEW, has been a university administrator, physicist, and director of IEL's internship-fellowship program.

CHARLES B. SAUNDERS, JR., Vice President and Director of the Office of Governmental Relations of the American Council on Education, is a former Deputy Assistant Secretary of HEW, a Congressional aide, and member of the staff of the Brookings Institution.

IEL PARTICIPANT/EDITORS

SAMUEL HALPERIN, Director, Institute for Educational Leadership
GEORGE M. KAPLAN, Coordinator, Washington Policy Seminar

Carter Year One: An Overview

IEL: In the summer of 1976, five of us met at IEL to discuss the state of educational policymaking in Washington. The product of that exchange, an IEL book called *"Perspectives on Federal Educational Policy: An Informal Colloquium,"* did not offer an especially optimistic picture. It was a time of frustration, bitterness and acrimony on the federal educational scene, and we shared a sense that the system for making policy had gotten out of control.

Is that the way it is now, in the second year of the Carter Administration? Or have things changed? If so, how? From your perspectives as members of the Administration, Congressional staffs, and the educational associations, how do you view the general state of affairs today regarding federal education policymaking?

Let's start with CHRISTOPHER CROSS, former Deputy Assistant Secretary of HEW for Legislation (Education) and currently Minority Staff Director of the House Committee on Education and Labor, U.S. House of Representatives.

CROSS: Things really aren't any different now than they were two, five or eight years ago. There is still chaos in policymaking, possibly even worse than a year and a half ago. There are more actors and less coordination of the process. It takes longer to arrive at decisions. Although communications with interest groups may be somewhat better, communications between the Administration and Capitol Hill are worse in many respects. I find the development of policy in the Executive Branch to be even more laborious than during the previous eight to ten years.

The Administration's handling of the tax credit issue is a classic case of misjudgment and inept handling. As a consequence, the Administration is faced with paying for two bills—tax credits and student aid—or risking a very unpopular veto.

IEL: WILLIAM C. "BUDDY" BLAKEY, Deputy Assistant Secretary of HEW for Legislation (Education): How do you see it, Buddy, as one of Chris's successors?

BLAKEY: I have no real reference point, because I wasn't involved in education during the previous Administration. Some of what Chris said is probably true. I have found, though, that our relationships with the interest groups and associations, as well as with Congressional staffs, have improved greatly during the past year. And they're still improving. The policymaking process has probably taken longer than I would like. But, then, there are many new people who have not developed policy for a Presidential administration who are not only learning their way around the bureaucracy, but in some cases, around Washington. That lack of familiarity alone imposes problems of time.

IEL: CHARLES SAUNDERS, Vice President and Director, Office of Governmental Relations of the American Council on Education, also a former HEW Deputy Assistant Secretary for Education: As higher education's chief lobbying person, what strikes you most forcefully about the climate of the second Carter year?

SAUNDERS: I would have agreed with Chris that the process was still frustrating and chaotic, and not very productive—up until the President submitted his budget in January 1978. We in the higher education associations hadn't seen much progress in the first year of the Carter Administration, although we had a lot of respect for some of the members of the new team and recognized their understanding of the problems of education. But the President's Fiscal Year 1979 budget contained some exciting signals for higher education.

For one thing, there's a very clear effort to defuse some of the areas of controversy where Congress and the Executive Branch have been at loggerheads over the last few years. For the first time in several years, the budget does not propose to eliminate the Direct Student Loan Program or cut back the Supplemental Educational Opportunity Grant Program. These and other pro-

grams of importance to the higher education community have been under attack from the Executive Branch for so long that we have been spending most of our time fighting desperately to maintain them at current funding levels, with little hope of increasing them. The new budget clearly shows that the Administration is trying to reduce the major areas of conflict and work toward consensus. That in itself is a significant change for the better, and I think it's applicable across the board, not just in higher education.

There are other encouraging signs in the budget. It recognizes some of the emerging problems of higher education, for example, the need for reconstruction of academic facilities. This is one of the very important areas which must be addressed in the next few years: to make buildings more energy-efficient, to provide access for the handicapped, to meet federal, state and local requirements for health and safety and environmental protection.

Most notably, the President is asking for an additional $1.5 billion for existing student aid programs as an alternative to tuition tax credits. This opens the prospect for a truly historic breakthrough in extending educational opportunities.

These are some of the reasons I am optimistic that things are changing for the better. Instead of fighting for survival, we will be seeking to work with an administration willing to listen to our problems and search with us for reasonable solutions.

IEL: As Co-Director of the Department of Legislation of the American Federation of Teachers, GREGORY HUMPHREY has been exceptionally sensitive to any shifts that may have occurred. What's your appraisal, Greg?

HUMPHREY: Representing teachers, I've seen a number of changes that bode well for the future. One is the attempt by the Administration to reach out and incorporate into its policymaking process those political elements that supported it in the election; and that's all well and good. But beyond that, I think this Administration has, for the first time in the years that I've been around, begun the process of establishing a program with realistic goals that it wants to achieve. This is an improvement in and of itself. The new budget that came out does defuse much of the paranoia and lack of cooperation that existed in the past. It puts the discussion of

issues on a plane beyond survival—now we're talking about what are the best things to do—and it provides the opportunity to work with the Administration on issues of mutual concern. The opportunity to influence HEW's policymaking for the reauthorization bill (the Elementary and Secondary Education Act, scheduled for renewal in 1978) is very important. In the past, because of the nature of the education vs. administration conflict, meetings went on, and evaluations occurred, and all the niceties were observed, but basically the conclusion was foregone. They would tell you what they intended to do, and you would leave with that knowledge. Now, probably because a different constituency elected this Administration, there's more communication, and for that I'm grateful.

But it's difficult to compare the past year with the last year of the previous Administration which, after eight years, had established its policymaking apparatus, had decided what it wanted to do, and had its people in place and its chain of command established. To compare that with a new administration with new people and unformulated goals seems somewhat unfair. You might want to compare it with the first year of the Kennedy or Nixon Administrations to get a better perspective of where things are right now.

SAUNDERS: And in terms of the education team, it's only fair to compare what's been in place since the second half of 1977 because the full team wasn't on board until then.

IEL: Let's hear from MICHAEL O'KEEFE, who was in HEW the last time the Democrats were here and is now HEW's Deputy Assistant Secretary for Planning and Evaluation (Education).

O'KEEFE: I would like to comment on a few of the points that Chris Cross made. First, we should recognize the context into which this Administration entered when we began to examine policy issues in education. That context was one of relative neglect for education on the part of the Executive Branch. Over an eight-year period, a negative working relationship had developed among the interest groups, the Executive Branch and the Congress. When we came in, many of our early conversations with interest groups and with visitors from out of town dealt with complaints about policies that had been made during the previous years. It was clear that ten-

sion and conflict existed between the educational establishment and the Executive Branch. Therefore, we had to spend a significant amount of our time engaged in discussions about the problems that had build up during this period. This is the context in which our own policy development had to begin.

Secondly, on the question of the slowness of pace, I think we all bring a different perspective to that. The pace went more slowly than I thought it would have a year ago, but I think there are substantial reasons for that. As has been suggested, a familiarity with the issues must be developed among a new team of people who may or may not have started out entirely familiar with them. We established what turned out to be a very complicated—but I think exceptionally useful—process of consultation with outside groups concerned about elementary and secondary education. We held a series of meetings in the ten HEW regions, and heard testimony from about 2,000 people—educators, teachers, parents, state administrators. To do this in a genuine and honest fashion so that the staff can really absorb the various points of view expressed takes time. When a sincere effort to include this input into policymaking is made, it takes time. We also found that we had to reestablish working relationships with many of the organizations in town.

IEL: JACK JENNINGS, Counsel, Subcommittee on Elementary, Secondary and Vocational Education, House Committee on Education and Labor: What kinds of changes have you seen since you arrived a decade ago? How do you assess this moment in educational policymaking?

JENNINGS: I've had this job since 1967, so I've seen the Johnson, Nixon, Ford, and Carter Administrations. We're witnessing the beginnings of a significant change in how education policymaking is going to be dealt with in Washington. But I don't think it's fair to compare this exact moment in time with two years ago, because that was when the Ford Administration was starting to lose its power. It's not really fair to look back at how they were making policy at that time. I also don't think it would be fair to look at the Carter Administration in early or even mid-1977, because new people were learning new responsibilities and establishing relationships among themselves in order to make policy in the Administration. It is fair, though, to compare what is beginning to

happen now with what did happen in general during the entire Nixon-Ford Administration.

Education did not rank very high in the priorities of that Administration. There was a poisonous atmosphere because the Administration tried actively to thwart the education policy which Congress was trying to make through the legislative and the appropriation processes. The result, from the first day that the budget was announced every year to the last day before the new budget came out, was that Congress expended its energies trying first to get the Administration's unrealistic budget back up to a realistic level, next to get that passed as a bill in Congress, and then to have Presidential vetoes overridden. When the veto was overridden, we then had to overturn the spending deferrals, rescissions, impoundments and other games the Nixon-Ford Administration played with money so that the dollars could actually be spent. An inordinate amount of time was spent by the interest groups and by the Congress in trying, first, to reverse the day-to-day actions and attitudes of an Administration that didn't care about education and, secondly, to make sure that the money was spent as the Congress determined.

There's obviously been a major change. After a first rocky year of trying to sort out relationships in education and policy, the Carter Administration has shown by three things that it considers education important. The first was the budget with its 14 percent increase in appropriations, the first Presidential request for a real increase since the middle years of the Johnson Administration. The second is the President's call for a Department of Education, evidence that the Administration considers education genuinely important. The third piece of evidence is the Administration's legislative proposal for both elementary and secondary education and higher education. These proposals show that the Administration wants both to strengthen and expand these programs.

IEL: How does all this strike you from the perspective of the Education Commission of the States, AIMS McGUINNESS?

McGUINNESS: This is also a view from Colorado, because I'm the only one here who commutes to Washington from Colorado. On the bus every morning going to my office in Denver, I find myself defending the Carter Administration in a state which voted against Carter and

which was hurt by early Administration decisions on water projects, among others. The people on my bus seem to have very little understanding of Mr. Carter's priority for education. In those discussions I find some things to defend the Administration for and others that I have some reservations about. Let me begin with what, from my point of view, I hope to see from the Administration.

First, we want to know the objectives of this Administration with regard to what states and local education agencies are already doing. In other words, in the formulation of federal policies, these should be viewed in the context of the existing policies of the states, where most of the support and control of education occur.

The second expectation relates to whether and how state leaders will be involved in the formulation of federal policy alternatives.

On these first two expectations—the substance and process of federal-state relations—we have extremely positive reactions to the Administration. More has been done since mid-1977 than in the previous ten years to give reality to the rhetoric of a federal-state partnership and to build a process in which points of view of the states will be reflected in federal policy.

Still another expectation relates to executive leadership. Without strong leadership from the President in setting an overall context for the federal role in education and the broad goals and objectives of federal government, as hard as the Congress may try, federal programs will be fragmented and narrowly defined in terms of interest groups as they operate on the federal level. The programs are not related to one another as they should be to respond to problems as they appear at the state, school or college level. Executive leadership at the federal level is extremely important to the effort to achieve federal policies which are coherent and integrated in their impact on people, schools, colleges and state agencies.

In this area, the Administration's performance to date is more a question of hope than of actual fulfillment. I can react very positively to the coordination of policy in HEW. Mike O'Keefe has led the effort to coordinate the policy staffs throughout the Department, and I think that's been extremely helpful. I'm not

so sure, however, that the leadership in policy formulation being provided by HEW is fully backed by the White House. As proposals from HEW which we were enthusiastic about were modified by the Office of Management and Budget and White House Domestic Issues Staff, they lost some of their appeal before they were eventually presented to the Congress. In the previous Administration, education policy was dominated by relatively unknown and inaccessible people in OMB. We hope that this will not be continued by this Administration. Close working relations between the White House and HEW in the process are extremely important. There are good signs, but it remains to be seen how good that coordination really becomes.

Timing is important for effective executive leadership and the Administration's relations with Congress. Getting preliminary ideas on reauthorization of the Elementary and Secondary Education Act up to the Hill in September 1977, rather than in February 1978, would have provided a far better context for the Congress to begin consideration of reauthorization proposals. I made out a chart in the beginning of 1977 outlining when I thought steps in the reauthorization process should take place, based on the Congressional budget process and past experience. I expected the Administration to have expressed at least broad policy positions on reauthorization by late 1977, but these were not anounced until February 28, just two and a half months before the deadline for committees to report reauthorization bills. Nonetheless, I am fairly familiar with the work of the policy staffs in HEW on reauthorization proposals, and I don't believe the blame for delay rests there. The process of review and sign-off is awfully long, complicated and fraught with intense bureaucratic infighting. It just gets completely bogged down. So at this stage I am still hopeful about the Carter Administration leadership in education. But anything can happen, and the outcome could be far less encouraging than what we see at this time.

IEL: What would you like to see happen at this moment that isn't happening?

HUMPHREY: That's an overwhelming question, especially because of our limited perspectives on resources and initiatives over the years. There are all sorts of unresolved questions as to the federal role. In every educational meeting I've ever attended, intelligent peo-

ple with sound educational perspectives fail to agree on the federal role. Perhaps the key to deciding what it is is to examine what's not being done. Having said that, I think the various federal mandates now on the books, whether as a result of decision, legislation or some other means, still aren't really being carried out. As good as the budget is, it doesn't provide enough dollars to fulfill the mandates of the Education for All Handicapped Children Act; it doesn't do enough in the area of architectural barrier removal; and it hasn't really gotten down to the question of what is an appropriate role for federal government under the *Lau* decision. Those are some areas into which I think the federal government, because it has mandated activity, has to move further. But because those are such horribly expensive questions, a lot of people would rather not even address them.

BLAKEY: Everybody would like to see federal education policy be more finite, and I'm not sure that we'll ever achieve that laudable objective, the existence of a separate Department of Education notwithstanding. The important thing, I think, is what Greg just mentioned: Even if we coordinated the Executive Branch's policymaking, we would never have addressed basic problems like those arising out of the educational policymaking that the federal courts have done. You don't have to go any further back than 1954 and the *Brown* decision through *Lau*, or come up through the due process cases on whether or not teachers can spank your children, or whether or not the states have to educate handicapped children. But the federal courts in the education area, as distinguished from a number of other areas, have said and done a lot of things which affect federal policymaking. What the policymakers end up doing is trying to devise mechanisms to carry out what a court has mandated. And state courts are doing the same thing in many jurisdictions, for example, *Serrano v. Priest* in the school finance reform area.

CROSS: If you contrast this with the last two Administrations, whether you like or agree with it or not, some policy direction, such as the "New Federalism," did come from the White House. What I see is not a "top down" concept of policymaking. What we have, as indicated by the development of ESEA policy in HEW during the past six months, is a sort of "mid-level up" strategy. The mid-level people are writing enormous volumes of paper and are run-

ning all over town with them. And, of course, they get leaked to everyone.

When the time comes, these bright ideas go through the assistant secretaries, the Secretary of HEW, and the White House; and they get killed because there was no real concept of the Administration's overall strategy. The people at the highest levels who need to be involved early on were not part of the process. Naturally, they wouldn't accept mid-level creations as being something with which they agreed. As a result, there's an enormous waste of energy and talent, and a gnashing of teeth. Finally, you discover that you have ended up with a second-hand car instead of that sporty new model everyone at the middle level thought they were designing. My perception is that the fight for power among the various new actors in HEW also contributed to slowing down the process. No single leader was designated by the Secretary to lead the development of policy. Consequently, when major differences emerged, the only arbiter was the Secretary, and he was relatively unavailable until very late in the process.

In contrast, the development of policy and strategy in the higher education area was made by the Under Secretary at the very last moment and was contrary to the policy and strategy developed by the other high- and middle-level people in the Department. The result was a policy that would not sell—in fact, it was totally discredited—and the strategy of heading off a Congressional initiative, namely, tax credits, with an Administration proposal backfired.

JENNINGS: There was an awful waste of effort during the last Administration with HEW trying to justify unrealistic budgets. The impact aid people had to spend untold hours during the Nixon-Ford Administration pretending that impact aid was going to be cut in half, if not entirely eliminated. That meant that they couldn't spend that time getting the money out to the school districts; and they had to waste time pretending there was going to be a rescission after the appropriation was made, when they knew it wasn't likely to happen. If we're talking about spinning wheels, there was a lot of that in the eight years of the Nixon-Ford Administration. This obviously isn't going to stop just because another party is elected.

You're right, Chris, that the Nixon-Ford Administration had a philosophy of delegating programs to the states or, to a lesser extent, to localities, because of an illusion that the states originally had all these programs when, in many cases, they didn't. Many were simply federal programs created out of whole cloth. But the Republicans did have an overriding philosophy.

What we have now is a Democratic Administration that considers itself the inheritor of what a Democratic Congress was able to keep on the books for eight years even though the Republican Administration tried to restructure and deal differently with those programs. This Administration basically agrees with what's on the books, that there is a proper federal role in such areas as education for the disadvantaged and Title I of the Elementary and Secondary Education Act. Now it's trying to sort out how those programs can be operated better and how, if there is more money, which seems to be the case, their parameters can be pushed out a little bit further. For instance, should the federal government pay dollar-for-dollar for the mandates of federal courts? That's a very basic question reaching far beyond just education.

In education, there will have to be some federal payment, but I don't know if you can make it dollar-for-dollar when you're talking about what a court says is a constitutional responsibility. And now the Carter Administration must decide, within this philosophical approach to government, whether it should scale down some of our national goals. I think that's the type of debate that's taking place.

O'KEEFE: The characterization which Chris Cross gave of the top policymakers turning down the policy developed by middle-level staff can cut both ways. Let's assume the opposite. Assume that the President of the United States, when he walked into the White House, knew exactly what he was going to do on everything, and simply had to have his immediate staff develop an education message to tell the world what he was going to propose. If he did this, he would then be open to serious criticism from many of our colleagues in the education world for lack of consultation and for taking little account of the federal role as it has evolved from the mid-1960s to the late 1970s. In other words, we could then be ac-

cused of being grossly insensitive to the realities of educational policymaking in Washington.

With 13 or 14 different programs due to expire, we had to do detailed work at a middle staff level where we could accumulate the kind of resources necessary to do the job. As we did that, we also involved the top levels of management—the Commissioner of Education, the Assistant Secretary of Education and the Secretary—and eventually, at some point, as our thinking started to take form, the President of the United States.

In terms of the problem of developing a vision and a set of coherent policies, the context is again key. The Nixon Administration had a definite view about education, which was significantly different from the previous Administration. The perceptions of the middle and late 1960s were that the federal government had to become involved to stimulate recognition of the needs of the disadvantaged, language-limited children, the handicapped, and so forth. At this time, the states were sometimes viewed almost as adversaries. Because the states had not addressed the needs of these groups, the federal government had to come in and do something. I think that was accurate for its time.

The Nixon-Ford Administration shifted substantially from these views. Revenue-sharing and block grants, as proposed in the early Nixon years, implied that the federal government should move out of all but a financing role. This was an extreme policy and was appropriately rejected by the Congress. However, we should recognize that changes *have* taken place since 1960. Namely, some states are doing a better job in addressing some of these priorities than is the federal government. Further, many states are moving in that direction. And, in all candor, there are some states that have not recognized their unique responsibilities to needy populations. It seems to me that a high quality of leadership very much resembling that which existed in the mid-1960s in Washington is emerging in many state capitals around the country. We should recognize that fact. Our programs should, in some fashion, deal with the excessive burdens we now inadvertently put on states that want to exert leadership even beyond the federal government. At the same time, we should admit that there are states in which tight constraints of the federal

programs remain necessary. How to meet the needs of both kinds of states is the problem.

IEL: Does the fact that there was quite a competent and highly productive campaign task force on education in 1976 have anything to do with Presidential leadership in the first year of the Administration? We heard nothing from Mr. Carter during that year. Our supposition must be that policy came up from the middle ranks and was in effect told to the President. The President has now bounced back with quite a bit of educational leadership.

BLAKEY: Jack Jennings touched on three points. The President has spoken, through his Fiscal Year 1979 budget, by his recommendation for a separate Department of Education, and by submitting legislation which consolidates gains made in the past and reforms those programs which need reform. You could throw some magic dust out there and have a car instantly, or you can start with nuts and bolts, and an engine, put some tires on it, and make sure the thing runs. I don't think that the fact that you haven't heard much on education from the President means anything other than that there was a lot of work to do to repair the car, thoughtful work that has taken time.

CROSS: If that was done in a Republican Administration, everyone would say, "Darn it, the fact that it has taken a year to develop policies means that this Administration is anti-education." Now you're faced with a situation where it's a Democratic Administration and a Democratic Congress, and people are saying, "That's because we're trying to get our act together." That is a classic double standard.

BLAKEY: I don't really think that's the case. The President's budget refutes entirely the notion that this Administration is anti-education.

JENNINGS: We're beyond that point, Chris. Look at the commitment to education that that budget represents. Look across the whole domestic sector of the budget, and you'll see the level of commitment in both dollars and the Administration's legislative proposals.

BLAKEY: My point is that the Carter Administration has been criticized, and, in part, rightfully so, for trying to do too much, too soon, in too many areas. Most of HEW's programs go through one full

Committee in the Senate. I mean you just can't run health, education and hospital cost containment, national health insurance, ESEA, welfare reform and everything through the Senate Human Resources Committee and at the same time expect that Committee to do labor law reform, and everything else. And it's a different, more independent Congress from that of the Johnson years.

JENNINGS: I agree fully. Congress today is much more independent than it was then. And Congress is not going to take everything an Administration proposes and enact it within three months, which is what happened with the original ESEA. It's a different situation.

SAUNDERS: We're all fortunate that this Administration hasn't tried to do everything in education all at once. It has taken time to establish a better base of understanding about how the programs are working and what needs to be done. For these reasons I can't accept Chris Cross's criticism that the Carter Administration didn't come into office with a full-blown concept of what should be done. I remember the first months of the Nixon Administration because I was at HEW trying to help shape its programs, and that was difficult because the new team at the White House and the Office of Management and Budget thought they knew exactly what should be done. I would talk with Republican leaders on the Hill like Representative Albert Quie (R-Minn.), Senator Javits (R-N.Y.) and others, and get their ideas. Then I'd go back "downtown" and report on what the Congressional authorities on education in the President's own party would like us to do. The President's staff would say, "We don't care what they think. We know what should be done, and we're going to do it." I am very happy that the Carter White House has not shown any such certainty about what should be done for education.

McGUINNESS: The really exciting part of this Administration is that the HEW bureaucracy is alive and active in the policy process. It is staffed by people you can relate to, who are interested in policy questions, and who will be playing some role in Administration policy. As has been pointed out, the "middle level" people in the previous Administration were isolated from the policy process.

If I have any concern, it's that there are relatively few new people and that they must depend upon the bureaucracy that already ex-

isted for information and support. Even in the Office of Management and Budget, civil servants who were active in the previous Administration still play key roles. The process by which policies move from the "middle level" to the President is treacherous, with people jockeying for position, and ambiguities in roles and responsibilities. The process of working up through the Administration is so exhausting that the goal of presenting a coherent set of policy alternatives to the Congress in a timely manner is forgotten in the process.

To be frank, because of apparent inexperience in working on Capitol Hill, the Administration suffered some initial setbacks in its efforts to get the Congress to adopt its proposals for reauthorization of the Elementary and Secondary Education Act. While months and months were spent consulting with interest groups and working through layers of the Administration, HEW apparently did not begin work early with Congressional staffs. Reliable intelligence about the potential positions on sensitive issues of key Members of the Congressional committees was either not obtained or not considered. In the early stages of the House mark-up, large portions of the Administration's package were either ignored or rejected. The Administration seemed to be operating on the naive assumption that the innate soundness of its proposals and the Chairman's sponsorship of the Administration's bill would be sufficient to carry the day. As the process proceeded, the Administration's effectiveness increased and, by the time the Senate mark-up began, they seemed to have their act together. The dependence of HEW's policy staff on HEW's legislative liaison staff for relations with key Congressional staff seems to lead to an unfortunate rigidity in the Administration's strategy and to isolation of key people from the Congressional process. I gather that the Administration recognizes this and will attempt to improve the process as work begins on reauthorization of the Higher Education Act.

JENNINGS: I want to comment on federal-state relations. In the last two Adminstrations the emphasis on "federal-state relations" seemed to be a way to get the federal government out of things for budget reasons. The emphasis was not necessarily based on a recognition that the states and localities were engaged in a number of activities that were, in fact, aimed at federal objectives. There is a

need for the federal policies to recognize the great diversity among states in capacity and performance. This is a difficult and time-consuming approach to developing federal policy simply because it requires an effort to find out what the states are already doing before decisions are made about a given federal policy. But the effort is worth it because the result will be federal policies which complement and build upon rather than disrupt or ignore state policy initiatives.

In the reauthorization of the Elementary and Secondary Education Act, HEW took an extremely constructive approach to federal-state relations. In the area of education of the handicapped the situation is far less encouraging. The decision on the budget request for the Education for All Handicapped Children Act (P. L. 94-142) seems to have been made more in relation to other federal priorities than in recognition of the costs of the legal-moral commitments both the federal government and the states have made to fulfill the rights of handicapped children. There is a need for an intergovernmental perspective in the federal budget process.

IEL: Well, what would be a rational way of getting at the issue of higher executive authority's not taking the strengths of and differences among states into account?

McGUINNESS: There are several approaches to that. The effort to develop a comprehensive statement of the federal role in education is a step in the right direction. The statement should relate the federal role to the historic constitutional role of the states in education. Second, there should be specific provision for involvement of and consultation with state leaders—governors, legislators, state board members and state agency heads—in the formulation of federal policy. This is being done some now but without full recognition that the "state" is not just the chief state school officer but is a cluster of key figures. Governors and legislators must be involved if state policy and fiscal issues are involved. Third, as I indicated earlier, the Administration simply must make efforts to find out systematically what the states are already doing before new policies are established. Perhaps a "state and school impact statement" should be required for all new federal education policies!

Zero-Based Budgeting

IEL: Let's turn to some specifics. One of the programs that President Carter has instituted is Zero-Based Budgeting (ZBB). What impact, if any, has ZBB had on the budget and on the Administration's legislative program?

BLAKEY: As it was described and put forward to the public, ZBB didn't really work out in the first year as everyone had hoped because people were wedded to the old ways of doing things. But it did lay the foundation for something which I assume will be repeated in the future. And it led to a far more serious way of looking at programs with a view toward phasing them out than had previously been the case. There was not the same kind of bargaining among program administrators.

CROSS: Yes, but things didn't always work out as planned. The Commissioner rated metric education 108 out of 108 programs in the ZBB process, yet when the budget went to the Hill, metric education stayed at its previous funding level.

JENNINGS: It's like the various McNamara reforms in the Pentagon. We go through these things every ten or 15 years. The most important point with Zero-Based Budgeting, I think, is the concept that somebody is asking basic questions, that they want to know whether something is needed or not. But, in a federal or in any bureaucracy, even a business organization, the tendency is to trivialize and do important work with 200-page forms where every box has to be filled in. The process becomes nightmarish because it has lost sight of the ultimate objective.

The important thing is that somebody ought to be asking whether something is still needed as it was before, or whether there's a new need. Once the question is asked, it still comes down to a matter of political will; is somebody going to follow through on the answer to make sure that the conclusion is carried through?

You can't put that on a form. It comes down to what the administrators recommended, what the people in the Congress feel they can do, and whether Congress is willing to stand up to constituents and say "No." And so it's still only half a concept. It's good to ask the questions, but once you get the answers, somebody must follow through on the policy.

O'KEEFE: I think what Jack said is at the heart of this. That is, the problems with the typical budget process are three. First, it tends to be incremental. For example, if we have $100 million extra, people tend to ask where to spread it rather than whether a program which got $125 million last year deserves to have $75 million, given its relative performance, the results of evaluations, and such. Secondly, budget decisions tend to be "political" in the sense in which some people regard political as wrong. That is to say, they are responsive to the concerns of Congressional leadership and to interest and constituency group concerns. Thirdly, budget decisions often are made in a real rush. Usually, an overall funding level is set, and the Administration goes through a very patient, careful, and long process of developing priorities and setting rankings. Then, as the final budget is being put together, as final briefings are going to the President, you *really* discover what the constraints are, and decisions are made quickly in that final moment.

As Jack said, there has been a variety of techniques for developing budgets in very large organizations that have been used to try to correct some of those deficiencies. Both Program Planning and Budgetary Systems (PPBS) and ZBB are, simply, such techniques. One point should be stressed: They are only techniques.

Two characteristics of the ZBB technique are meant to counter some of the weaknesses of the budget-making process which lead to decisions just on the margin. First, it is meant to force the decisionmaker to go back to ground zero and ask: "Do we really need this program?" This puts the budget process a little out of step with the way the federal government does its business, because at the federal level this is usually done in the reauthorization process. The two overlap at this juncture, and there is sometimes a conflict between ZBB as a budget process and the legislative reauthorization cycle as established by the Congress.

Secondly, ZBB attempts to deal with the problem of how to decide where, among a long list of programs, to put an available amount of new money. ZBB is a mechanical technique meant to help with that agonizing and confusing judgment. In this, it is not terribly successful, because it is merely a technique and as such cannot really eliminate judgments which are value-based or political. However, given its limits, ZBB functioned fairly well within HEW. The major criticism you could make of it is the one that Jack has already pointed to. In the hands of the bureaucracy, it can turn into an enormous flood of paperwork.

People misuse systems like these by responding to them in one of two ways, both of which are extremes. First, they choose to ignore them, that is to say, they avoid asking the basic questions. For example, they do not trade health budget decisions off against education budget decisions. The other error, however, is to go full speed ahead and to follow mindlessly the rigors of what is, in the end, only a mechanical technique. The latter approach ignores many of the realities of the decisionmaking process.

BLAKEY: Of course, the bottom line on the impact of ZBB is the fact that one of its strongest supporters, OMB Director Bert Lance, wasn't around when the final budget decisions were made. When he left, a large part of the crunch that could have come with ZBB left with him.

JENNINGS: A second footnote: Decisions on budget requests are not made only as responses to constituent or Congressional pressure. With Title I as an example, Secretary Califano really went to bat with the Office of Management and Budget to get more money, as a matter of philosophy, for the education of the disadvantaged. He may have been responding partially to Chairman Carl Perkins, to the Congressional Democrats, and to the philosophy of the Democratic party, but to use up chits like that, he had to believe in it pretty strongly himself.

SAUNDERS: Whether Zero-Based Budgeting has worked or not, it hasn't addressed very well the point Greg Humphrey raised which still needs to be cranked into the policy process: that is, to give systematic consideration to actual program needs and to face the implications of continued level funding. The budget takes very careful account of the need to increase the Defense Department

budget for weaponry to keep pace with rising costs. But the Administration seems incapable of adjusting its budget to recognize the important effect of inflation on education programs. A good example is the budget treatment of the Trio Programs, those special programs which encourage disadvantaged students to go to college. There is no rational justification for continuing to treat Trio as a "demonstration program." It's been run that way for a decade. Everything it could possibly have demonstrated has already been learned, which could justify its elimination. On the other hand, Trio is only reaching five to ten percent of the eligible population, which could justify its expansion. But the Administration did neither. Instead, it asked to continue funding the program at the same level as last year, which is the same as arbitrarily reducing its operating effectiveness by seven percent, if you recognize inflation. In this case the application of Zero-Based Budgeting certainly failed to produce a more rational decision.

IEL: Can you think of any specific examples of how budgetary or legislative priorities might have been different under the system that prevailed before ZBB? Does ZBB make a specific difference this year?

BLAKEY: I can think of two: Mining Fellowships and the Allen Ellender Fellowships. On the Mining Fellowships, new financial assistance programs have been developed in the Department of Energy. If these new programs do not meet needs, the Fellowship holders might be eligible for additional student financial assistance under HEW's regular programs. So there was no longer a need for the Mining Fellowships. When the Allen Ellender Fellowships were created, there were not very many public service-oriented training projects in the private sector. Now there are, and that program might not be justified on those grounds.

CROSS: At the risk of being cynical, those are exactly the same sorts of things which were said for the eight years of the Nixon and Ford Administrations in trying to phase out other programs. For example, they tried to get rid of the National Direct Student Loan Program, saying there were other loan programs in existence that met the need. I doubt that ZBB has made any difference. The proof of ZBB will be when you're faced with a static number of dollars and then use ZBB to reallocate within that pot. It's instructive to me that the only two programs that can be cited as

evidence of the "power" of ZBB had a total combined appropriation of $5 million. What would happen if the President were to choose among multi-billion dollar programs, e.g. between cutting student aid to fund compensatory education, or reducing the handicapped in order to provide more vocational education. If all ZBB can do is to reaffirm decisions which involve a minor fraction of one percent of the education budget, one might well ask whether all the paperwork, time and effort is a worthwhile investment. My own perception is that ZBB captured the time and attention of so many people that they could not deal with reauthorization issues, hence the whole process was slowed down.

McGUINNESS: I have a different reaction to ZBB. It leads to a mixture of budget process with consideration of substantive aspects of programs in a manner that was characteristic of the previous two Administrations. The budget is treated as the major vehicle for expressing views on the substantive direction of programs. This makes the appropriations committees of the Congress, rather than the authorizing committees, the principal arena for debate about whether a program should exist. If the Administration concludes that a program should be phased out, it should make a legislative proposal to do so.

The budget process is essentially closed whether ZBB is followed or not. The priority-setting process is as much a process of tradeoffs among bureaucrats as it is a substantive consideration of whether a program is needed. I think a process like ZBB would make sense if the budget decisions were preceded by a public discussion and debate about the underlying assumptions and substantive or programmatic considerations. Then the often obscure narrative justification of budget decisions would make more sense to the public and the Congress. We have a recent case of a program enacted by overwhelming vote in the Congress and then not funded by the Administration a couple of months later on the basis that the concept needed further study. While that may be the HEW bureaucrats' judgment, it should be subject to more public scrutiny than is allowed by this Administration's budget process.

HUMPHREY: I disagree with Chris and Aims that you ought to separate budget from policy. Any management school that I'm familiar with will tell you that the most important thing any executive does is draw

up his budget and spell out in absolute terms where his priorities lie. You certainly don't judge everything an administration does by its budget; but certainly how much you're willing to put into a program tells a great deal about how much you think of it. Zero-Based Budgeting, or anything else that people devise as a mechanism, must fly in the real world. One of the great weaknesses of the argument for a separate Department of Education is that it is somehow magically going to result in more dollars. As long as you have one Administration that collects one set of taxes and has one pot of revenue to distribute, its priorities will be reflected more in dollar decisions than in the workings of any mechanism or process, whether new Department, ZBB, or whatever.

McGUINNESS: Let me elaborate on dollars and policy. I would feel more comfortable if some real decisions about policy preceded decisions about budget. In elementary and secondary education and in the responses to the issue of tuition tax credits, policy judgments have clearly been made. In the higher education areas other than student assistance programs, cuts have been made without a publicly enunciated policy basis. Perhaps this situation will improve during the coming year.

SAUNDERS: Well, there's the President's $1.5 billion proposal for student aid which requires some new authorizing legislation, although it's based largely on existing programs. But I don't agree with the assumption that the most important need for education is new legislation. I think the highest priority is to achieve adequate funding and sound administration of the major programs already on the statute books. We have a lot to do to simplify and perfect existing programs before we start dreaming up further new initiatives.

CROSS: I agree. However, the Administration's initiatives in Title I, as far as I understand them, represent very important educational policy changes in elementary and secondary education. The reinstitution of the concentration factor, an attempt to redefine the program in terms of setting goals for basic skills, those things are very important and do represent new policy. It is also true that the effect of several of these new initiatives would be to divert funds from existing programs and further cloud the issue of what the federal priorities in education really are. Rather than

simplify, a good case can be made that the Carter Administration has made things even more confusing. The concentration factor, if adopted, means that we would be creating two different classes of school districts.

The Dimensions of Leadership

IEL: Mr. Carter pledged that he would get the finest people in positions of leadership, that there would be new faces and new points of view. How well do you think Mr. Carter has done this? Specifically, would you comment on the gripes that we all heard early in the Administration: that too many of the top slots in education were filled by unknowns, by people from higher education? Do you think there was any substance to that, and how is it working out today?

HUMPHREY: Education, like the U.S. Congress, is only as good as the people who serve in it. There are many highly qualified, talented, ambitious people willing to come to Washington and serve in the bureaucracy and in policymaking roles, and I think that the Administration did pretty well in landing a fair share. I really don't know, though, whether there's a great deal of untapped talent out there that could have been brought in and plugged into the proper slots. Given what exists in education leadership today, they did fairly well.

It seems foolish, though, to judge on the basis of how many people came from elementary and secondary or postsecondary education. These Washington-based people don't administer an educational system; HEW does not operate one system of education that requires management skills tailored to special age and grade levels. What we need here are people committed to devising the best programs that the federal government can implement, and who go out and do that, not people who come here because they've been through three teacher strikes, or whatever, even though such experience is useful. With one or two exceptions, I think that they've done pretty well.

SAUNDERS: I agree with that and would add that the personnel problem goes

hand in hand with the budget situation. The best personnel can't do much with a bad budget.

One of my most embarrassing experiences when I was Deputy to Commissioner of Education Sidney Marland was when we met with the major elementary and secondary organizations which had come in to express their concern with the Nixon budget for Fiscal Year 1974. Marland was very able and knowledgeable. He spoke eloquently about his own commitment to educational progress until one of the organizational representatives interrupted to say, "We know all that, Sid. The problem is we're wasting our time talking with you because it's obvious you don't make the decisions on education in this Administration." The point is that Marland's own very genuine capacities for leadership were largely frustrated because the budget policies of the Administration at that time were hostile to education. And I think the fact that the Carter budget is more supportive of education is not only a tribute to the new leadership, it's going to help make their leadership role easier. At the budget briefings in January, the staff of the Office of Education was wreathed in smiles; they were saying, "This is the best budget we've had in years. For the first time in ages we can go up to Capitol Hill and hold our heads up when we defend it." I think that means an awful lot for the whole leadership equation, and not from the standpoint of staff morale. It means that when the Commissioner or the Assistant Secretary for Education speak out on educational issues, they will be heard more respectfully. They will have more influence in the education community because they have had an obvious influence in the budget decisions of the administration.

CROSS: The "X" factor here that no one is willing to address is the President's decision to create a Department of Education. Did that affect the HEW Secretary's decision to seek more dollars for education so that he would look better to educators (and hence might keep the "**E**" in **HEW**?), or was he setting the stage for the submission of new ESEA legislation? I doubt that the Administration's real policy on education and the education budget will be quite as inviting in a couple of years.

JENNINGS: That's somewhat like saying that by recognizing Israel in 1948, Harry Truman was more concerned about the Jewish support in the early primaries than he was with Israel itself. The fact is that

he did recognize Israel and set the course of events in that area of the world. And the fact is that, for whatever reason, the Carter Administration has given us a real budget which gives real increases to education, and which, more importantly, gets rid of the poisonous atmosphere which existed for so long, where decisions couldn't be made because people distrusted one another all the way up and down the line. Either Congress didn't want to pass something because they didn't trust the administrators, or the administrators would create a program without the legislative authority, or the money would be held up. Everything stayed confused, and little happened.

CROSS: I wonder if people aren't being led down the garden path on this. The shape of the budget in the next couple of years—after the tax cut, a national health insurance program, and Humphrey-Hawkins—is going to put us back in exactly that same kind of situation you're describing.

JENNINGS: Perhaps, but that's conjecture. The one thing I've learned is that you don't wait or hope. You look at what's happened. And if it's happened this way for whatever reason, it's to the good. I think the Carter Administration has done a very good job in getting good people in the Education Division, but I do think they suffered from the fact of having too many people with higher rather than elementary and secondary education backgrounds. I agree with what Greg said about getting the best people, and over a time this disadvantage will not be that important. But it has led to delay in getting some things decided, because the people in the key positions did not understand all the background. They did not understand the history of things, and that was a disadvantage.

The other disadvantage, I think, was in having too few people with a Washington background. The new people had to learn how to fight in the federal bureaucracy, how to make things known, how to just get along in government. Some of you people have suffered initially because of that.

IEL: How debilitating is it to have an Assistant Secretary for Education and a Commissioner of Education with divided responsibility and lack of clarity in their roles? Is that a big problem for you out in the field or on Capitol Hill?

McGUINNESS: We're extremely pleased with the quality of people in the Carter Administration. I think that the debilitating effect of uncertainty of roles has been a problem and will increasingly be a problem in the new Department of Education, if that occurs. And I think that, while the organization I work for favors a separate Department of Education, we are also conscious of the negative impact on short-term productivity which any reorganization can have. Some of the best people in the Administration seem to have been frustrated in their efforts to get things done simply because of the uncertainty or ambiguity of their roles. The coordination of policy activities of the Assistant Secretaries for Education, Planning and Evaluation, and Legislation, and the Commissioner of Education has certainly helped. But good people will be wasted if the conflicts and ambiguities persist.

Another issue regarding the quality of people relates to their background in education. Most of my experience up to this last year related to higher education policy and I have had to learn a lot about elementary and secondary education to work on ESEA authorization. It is therefore difficult for me to criticize the appointment of both an Assistant Secretary and Commissioner with higher education backgrounds. On the other hand, I think it would have been helpful to have a person in one of these positions who had recent firsthand experience in elementary and secondary education.

A final issue is intergovernmental relations. The Carter Administration has had a major emphasis on building effective relationships with Governors and legislators, I think there's a very good emphasis on that at the level of the Secretary of HEW and with the establishment of the position of Deputy Under Secretary for Intergovernmental Relations. I think that the idea of working with general government officials is given less emphasis in the Education Division. A clearer division of responsibility there might lead to a better ability to respond to issues of intergovernmental relations.

JENNINGS: You commented, Aims, that even though there was good intergovernmental cooperation at the Deputy Under Secretary level in HEW, it did not go down to the Education Division. Well, I think you're looking at it from the perspective of the state legislators and the Governors. If anything, I think there's a

legitimate concern that the people in the Education Division sometimes listen too much to the chief state school officers. I am sure those people would consider themselves representatives for education in the states. In that light, your statement doesn't make sense. What you're saying is that from the perspective of those two bodies, at the level of state government, there isn't cooperation. But, if anything, the chiefs, as state officials, have an extraordinary influence on the Office of Education.

IEL: There really is only a thin layer of concern and expertise among Members of Congress, even though legislation on education sails through. If education is to continue to have a prominent place on the federal agenda, there's got to be stronger bench strength, a greater knowledge of the issues of education across a larger front than now exists in both houses of Congress. How is that going to happen? Right now, even those who are working on education the most are giving very little of their time to it.

CROSS: That's right. There is a declining number of Members of Congress on both sides of the Hill who really have the background, the time, the expertise and the knowledge about education programs on a day-to-day basis. That's reflected in attendance at hearings and in participation in conference committees. Congressional staff, therefore, becomes even more important. And with due regard to the high quality of staff, I'm not sure that's what the Constitution really envisaged.

JENNINGS: There's been a significant change in the membership of the House Education and Labor Committee within the last two decades. If you remember, it used to be a very conservative committee, dominated by southerners and Republicans to the end of the 1950s. Then in 1958, with the Democratic landslide, Sam Rayburn decided that the Committee was going to become more liberal. So he put six Democrats on it: John Brademas (D-Ind.), Roman Pucinski (D-Ill.), Jim O'Hara (D-Mich.) and others who helped to make it more active. That broke the power of the southern-Republican coalition which had dominated it. The new group stayed on the Committee until the late 1960s and early 1970s and contributed heavily to the evolution of the federal role in education. Some of them helped to write the National Defense Education Act of 1958, and all of them served through the time of the Vocational Education Act, the Higher Education Act, the

Elementary and Secondary Education Act, and all the amendments developed over time.

But even though these people have come to know the programs very well—and have become among the best of Members of Congress—they have felt frustration. It's a frustration that hits some members between their tenth and 15th years in Congress. They see that they're right in the middle. People above them are going to be there quite awhile, and they know they won't be number two or number one for quite awhile. And so they start looking around. For example, James O'Hara, Patsy Mink (D-Hawaii), and Roman Pucinski all ran unsuccessfully for the Senate; only (Senator) William Hathaway made the switch. Lloyd Meeds (D-Wash.) is leaving. Dominic Daniels (D-N.J.) has already departed.

IEL: So it's a bunch of new faces...

JENNINGS: On our present subcommittee, two-thirds of the Members are either freshmen or sophomores. They have different perspectives, and they're approaching things without either the legacy or the baggage of the 1960s. They're asking different types of questions. Some people describe them as more conservative Democrats; others say that they ask more questions. Whatever they are, it's going to take a while for them to become educated on federal educational issues. They weren't in Congress as these things developed, but rather after they had been developed, and it takes a while to learn the history of things. Lacking the historical perspective, it's difficult for them to counter those who do have it. I don't think some Members will really become very interested until they're at the point of becoming subcommittee chairmen. One current sophomore has become very interested, for example, because he knows that he's next in line for a subcommittee chair.

CROSS: In the middle group of seniority, we've lost an enormous number of people. On the Republican side alone we've lost William Steiger (R-Wisc.), Alphonzo Bell (R-Cal.), Marvin Esch (R-Mich.) and John Dellenback (R-Ore.) during the last couple of years. Now Al Quie (R-Minn.) is running for the governorship. They were all superb legislators and fine people who cared about education issues.

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Education is no longer a sexy issue, when you talk about our Committee specifically, or the House as a whole. Look at our Committee. In this Congress we are dealing with Humphrey-Hawkins, the full employment bill; the Comprehensive Employment and Training Act (CETA); pregnancy disability; labor law reform; and mandatory retirement. Those are very complex and take a great deal of time and commitment. That really means that there's just not time left for them to be able to spread themselves around. And when you consider the bills coming out of other Committees which add to the load—and are much more topical, like tax reform, health care, and energy—the Members are overwhelmed.

JENNINGS: You'll see signs of new leadership as the ESEA bill goes through. We saw it last year with the school lunch and career education legislation. On career education, for example, six or eight Democrats on the Committee fought for it on the floor. The school lunch legislation drew probably the same number, although a slightly different cast, especially Representative Ted Weiss (D-N.Y.), who was being hurt by some amendments from the other side. They had to learn by trial. They must offer amendments on the floor, get burned, deal with forming coalitions, and,in general, learn by doing. So this ESEA bill is the big one, with a broad spectrum of Members involved. And they'll be involved in different issues: Representative Cecil Heftel (D-Hawaii) in impact aid and Resident Commissioner Corrada of Puerto Rico in bilingual education. This is where they will go through the cycle and learn enough to be able to speak confidently. And then the new leadership will emerge.

IEL: Are there any signs of new leadership in education in the Senate?

SAUNDERS: It's always been thin, in the sense that there have never been as many Senators as House Members who built real expertise in education, especially on elementary and secondary issues. I'm more concerned about the dilemma that's always faced Members of the education committees in both the House and Senate: Education isn't very sexy, it doesn't pay off politically.

Since I first came to Washington and worked on the Senate Labor and Public Welfare Committee 20 years ago, I have seen able Members of both the majority and minority leave the Committee

because they saw better opportunities to further their careers in other areas. I don't see any solution to that problem. Maybe the growing capacity of teacher organizations to commit money and manpower in election campaigns will make it more politically worthwhile for Members to specialize in education. That's not the case now. No Congressman joins the education committees to be against education. Everybody's for it, but unless you're for as much as the education community wants, they will attack you and may hurt you politically, although they won't help you much no matter what you do for them.

HUMPHREY: The Senate has always been different from the House. Senators generally have about an inch-deep understanding of virtually everything that they ever are called to talk about, simply because they have the concerns of an entire state; they are the fountainhead which is supposed to dispense all the federal wisdom on all questions.

I think what Jack said about House Members gaining expertise and experience is exactly true. I don't know that it will ever go that way on the Senate side. The chairman of the Committee, Senator Claiborne Pell (D-R.I.), obviously has a great interest in education legislation, but I doubt that he will ever be able to concentrate on education the way that some of the House Members do. He's also Chairman of the Rules Committee and has a thousand interests, and I don't say that in a disparaging way. Because he is a Senator, especially from a small state, his services are called upon in many areas that a House Member representing a particular Congressional district does not have. The two bodies are different. The Senate has always relied, and will continue to rely, more on the staff than the House does. That's one reason why House Members usually do better in conference than Senators.

BLAKEY: I want to note one encouraging sign, really just a glimmer: The Chairman of the Senate's Human Resources Committee seems to be taking a different look, and has a different kind of interest than in the past, in education *per se*. When we did our briefing on the budget before the full Human Resources Committee, questions came from the staff present and were entirely about education. This happened while our health and welfare people were there.

McGUINNESS: If we concentrate solely on the House Education and Labor Committee and Senate Human Resources Committee, that's a mistake, too. By action on tax credits and consideration of a separate Department of Education, other committees such as Finance, Governmental Affairs (Senate), Government Operations (House) and Ways and Means will be addressing finance issues, intergovernmental relations issues, and other matters that may be of great importance to education.

JENNINGS: We must remember, too, that education is no longer a growth industry. We no longer have teams of kids in every suburban household bursting out of their seams, crying for better schools, more programs, and all kinds of action. Members of Congress simply aren't as interested in education as they were in the 1960s.

The second thing to remember is that anybody who bids for membership on the House Education and Labor Committee or the Senate Human Resources Committee is bidding for membership on a labor committee as well. With the change in complexion of Democrats in the House, with a shift of districts out of the central cities into the suburbs, and with Democrats winning the formerly Republican districts in the suburbs and in rural areas, it can be a liability to be voting affirmatively on labor issues all the time. Although the Democrats joining the Education and Labor Committee may think they want to work on just education, they get hit at practically every committee meeting with a labor measure, with the labor union people sitting in the audience. Sometimes that record is a little bit hard to carry in a Republican district or in a swing district.

A Look at the Fiscal Year 1979 Budget

IEL: President Carter has requested a national budget for Fiscal Year 1979 that exceeds $500 billion. He projects a $60 billion deficit. Yet you've all been enthusiastic, in varying degrees, about the place of education in that budget. Picking up on Jack Jennings's comments, a lot of people used to say education gets about what

it deserves, and it is no longer a growth industry. Yet the education portion of this budget is something like $2 billion over last year's funding level, or about 18 percent in total over last year. How do you account for this higher jump?

BLAKEY: If you include the $700 million allowance for contingencies in the Administration's alternative to the tuition tax credit movement in Congress, those figures are accurate. There are two reasons for the jump. The first is the fact that, almost simultaneously with final decisionmaking and the budget process, the Senate Governmental Affairs Committee was holding hearings on a separate Department of Education. That certainly did not hurt the decisionmaking process.

The second reason was that, simultaneously with the development of the President's budget, there was also consideration of ESEA reauthorization. Most of the increase is in that area and in higher education student assistance. The latter was also on the front burner because of the tuition tax credit proposals.

IEL: But didn't several small higher education programs get budget cuts, too?

SAUNDERS: That's right. The budget proposes about $54 million worth of cuts in categorical support programs, including college libraries and a number of other important programs, even while making progress in major areas like student aid. So, although the range of confrontation has been diminished, we still have some serious areas of disagreement with the Administration.

CROSS: The FY 1979 budget actually represents a cut of $155 million from last year's level because several programs—mainly in higher education—were either proposed for substantial cutbacks or for elimination. If you took those programs that had no increases or were cut, it would take $485 million additional just for them to keep pace with inflation.

There's been a bit of the "Washington Monument Syndrome" in the budget. The only real cuts of substance have been the programs in higher education which Charlie mentioned, and these will probably all be restored; in Follow Through, which every Administration for the last seven or eight years has tried to cut back; in impact aid; and in vocational education. I expect that all of

these cuts will be restored, as have Presidential cuts in these same areas for the past several years.

HUMPHREY: If HEW Secretary Califano thought he was holding off a separate Department of Education by fighting for more education dollars, he made a serious mistake. This Administration is vulnerable to that charge. Speaking as someone who's not particularly happy with a separate Department, I would have felt that a lack of dollars would have meant lack of commitment and sensitivity to real educational needs.

The budget reflects a commitment to put dollars behind education programs. But it is up to the interest groups to restore cuts. Basically, though, I don't think that the increases in the budget were cynical, or were designed to offset or counter arguments that may relate to it. By and large, they propose to do some solid things.

O'KEEFE: HEW is obviously always working within a ceiling; that is to say, we don't have the luxury of proposing spending large amounts of money that go beyond some ceiling. Within a ceiling, the budget, including the cuts, represents an establishment of priorities. If the budget process is to be taken seriously and priorities established, you end up making real decisions. That's what we've done.

The alternative is to submit a budget with simply a mechanical increase of x percent in every item. Were we to do this, we would be open to accusations of having not made up our minds at all. Overall, we're going to have a budget that has gone toward the major support programs, and has probably been a little harsher on the smaller institutional support programs, particularly in higher education. Even in that old bugaboo, impact aid, the cutback from the previous year is not much more than $50 million, which is nearly unheard of in recent history.

IEL: $50 million in an $800 million program.

O'KEEFE: That's right. The reason that, within a tight ceiling in the education budget, we've allocated a substantial amount of money to impact aid is that we think we have a reasonable reform proposal. We don't feel that we can get any attention for that proposal on the Hill by simply slashing the programs.

I would disagree about the influence of the Department of Education. The Secretary is clearly committed to these education programs. Lest too much cynicism about the Secretary's commitment to education reign here, I would remind you who was sitting at Lyndon Johnson's right hand when these programs were launched and who had a direct responsibility for them: Joseph Califano. The Secretary has a commitment to education; I think that it is represented in this budget, which has the biggest increases ever for education. As Greg suggested, the cynical approach would have been for the Administration to have put lots of money in and no Department, or to have used the Department proposal to buy off the interest groups and say, "There's your reward for helping us in the election, but we can't give you money this year."

SAUNDERS: The most important point about the budget is its serious attempt to defuse the major areas of confrontation with the education community. The budget is saying for the first time in a number of years that it's possible for the Administration, the Congress and the community to work out some kind of progress together instead of fighting each other over whether or not programs are going to continue to exist.

O'KEEFE: I'd like to supplement an earlier point that Charlie and others made: the point about a budget containing inflationary increases, or less than inflationary increases. We don't have the luxury at HEW of dealing with an inflated ceiling. The Office of Management and Budget does not give us an amount of money that takes inflation into account. The OMB just simply does not index the federal budget to inflation for a very fundamental economic reason: If you take half a trillion dollars and index it for some anticipated and projected inflation, you create a self-fulfilling prophecy. It is very bad economic policy for OMB to inflate the budget request across the board.

SAUNDERS: I agree that it isn't really reasonable to adjust to inflation across the board, but it should be possible to do it in selected programs.

O'KEEFE: And we do.

SAUNDERS: The mechanism doesn't allow you to increase selectively for cost of living inflators. Yet, the Congressional Budget Office does, and all the assumptions that the Congressional budget commit-

tees make about next year's budget include a built-in inflation factor. I understand that HEW doesn't do that, but I argue that's a flaw in the process. It's not HEW's fault; it's the Administration's budget-making process that's at fault. It's impossible to construct a realistic budget if you are not allowed to recognize the important impact of inflation on the educational system.

McGUINNESS: The biggest problem for the states is the budget request for the education of the handicapped. For FY 1979, the law authorizes the federal government to pay 20 percent of the national average per pupil expenditures in FY 1974. At the same time, the federal law requires participating states to be providing full services by September 1, 1978. We have argued that the federal government should pay its full share—40 percent in 1982—earlier, but at the minimum we have urged that the authorized amount be appropriated. It is true that most states have mandates of their own by statute, constitution, and administrative regulations, but even these state commitments have not been funded in some instances. What we face is a moral commitment of both the states and the federal government to deliver on our promises to handicapped children. The President has made strong statements about fulfilling the expectations of parents and children in this area, but the budget request does not reflect that. This is a case of priorities set only within the federal budget (and education budget) context without considering the full intergovernmental impact of conflicting federal mandates.

O'KEEFE: How would you reprogram the dollars within the amount that's in the budget request to bring them up to 20 percent of authorization for a total of $1.3 billion as the amount for education of handicapped children?

McGUINNESS: If the federal budget cannot provide funding for the 20 percent commitment to P.L. 94-142, is there any reason to believe state and local budgets can do this with any greater ease? The impact at state and local levels will be to draw funds away from other priorities: state compensatory education and school finance reform.

BLAKEY: You talk about the federal government in the broadest sense without clarifying who the federal government is. You're lumping branches of government which can't be lumped: the Executive

Branch and Congress. I don't find the handicapped figure anything to be ashamed of. I find it credible.

O'KEEFE: How would you set those priorities? Even though P. L. 94-142 does not consider state priorities in any way—and obviously states are faced with the same kinds of questions about equalization of educational opportunity and a whole series of other issues—that law says that no matter what their issues and other priorities may be, the states are to provide 100 percent of the funding. We've said to the Administration that getting a whole new system on line in dealing with the retraining of teachers and doing many other things requires more time. You shouldn't ram it down the system that quickly, because the states, by signing up for it, have really made themselves liable.

Now you have a whole series of priority-setting activities in the federal administration which says we do want to have a trade-off; and as far as we're concerned, we aren't willing to make the same kind of commitment we're asking the states to do. That's a real credibility problem.

HUMPHREY: We ought not pass without commenting on the attempt to do good works with Title I of ESEA. Whenever the Committee on Full Funding of Education Programs talked about trying to find some more money for ESEA, it had to be buried in an amendment with other funds because separate amendments for Title I were seen by the people in a position to offer them as something that probably couldn't pass. Having come from that day to now, when we're discussing a $1.1 billion increase over two years, does represent real progress and is an occurrence that we all ought to be aware of. Something has happened out there. It could be the changes in the formula from 1974; it could be a greater commitment to do something in terms of basic skills; or it could be a lot of things. But Title I is now a program that has the support both of the American people and of the Administration they elected to work on it. That's really significant.

JENNINGS: It's not just the people out in the field or the maturity of the programs. It's also the personalities that were brought into town. You know some people like to think that there are great courses in human events, and all that; but from my experience, that's only partially true. The other half of it is that it depends on who's

there at a particular time. Since Secretary Califano and the other people in HEW were in fact there, and since they were pressing hard at OMB for budget increases for Title I, I think that that is probably what made the difference. And I think it's an exemplary budget, considering the realities in which you have to deal. What's happening clearly shows that the drift of federal aid, in elementary-secondary education at least, is going to be towards full funding of Title I over the years, and probably towards doubling or even tripling the amount of money spent on the handicapped. That's going to lead to the next generation of problems and of questions in about five years: namely, if you do have two very substantial federal programs for two classes of children, how does that mesh across the board with state and local funding for education? You can't ask those questions and get adequate answers right now, because we're not at the point at which you have enough funding overall and enough for those two particular purposes.

This is not a phony budget. It shows real increases and, in the case of impact aid, for example, real cuts. I'm not familiar with many of the budgets, but I do know the Labor Department's budget, and I do know the Department of Agriculture's budget. Agriculture did have one of these phony decreases. They cut the middle class subsidy in the school lunch program; they froze it at a certain level, and then they increased the program for poor pregnant women. They tried to say this was a big advance. But what they proposed was something that is not going to happen in the Congress. It's like the old tricks with impact aid and Title I in the HEW budget. So I think HEW is to be highly commended for providing a budget for education with real increases.

BLAKEY: I said earlier that the fact that hearings were going on simultaneously with decisions with respect to the budget did not affect what the Secretary requested. I do think they affected what he got back, because people in OMB and the White House were being reminded that the President had promised a Department of Education and that he hadn't said very much about education during the first year of his Administration. My personal opinion is that that did affect the ultimate outcome.

Two things are important about the Title I increase, both in the basic program and the proposal for the concentration or targeting

provision. Despite what Aims may think, I consider the increase in P.L. 94-142 to be respectable, and time will tell if the Congress appropriates the authorized total of $1.3 billion. Also, I want to underscore the point that Jack made and add one other thing: We are moving slowly toward a point at which assistance to the handicapped and to disadvantaged students under Title I may become competitive. If, in fact, in the next three to five years the bilingual education program—for whatever reasons—starts to become a service program, as opposed to the quasi-service demonstration program that it is now, it is also going to be part of a three-way competition for limited federal dollars.

Reorganization: A Department of Education?

IEL: President Carter has pledged his support for the Cabinet-level Department of Education to which we have referred several times. In his State of the Union message in January 1978, he announced that he would work with the Congress to bring one about. Later in the spring, the Administration proposed legislation to create it. What sort of priority do you give this issue? What sort of prognosis would you make on enactment of the Department?

CROSS: In the current circumstances, I don't think it's going to happen unless the President is willing to cash in some chips to get it and play his strategy differently. What he has done is to cozy up to the Senate and ignore the House. Right now I suspect that there is not enough interest in the House even to get a bill out of subcommittee, to say nothing about getting it out of the full committee. And I see no strong leaders to carry the load and to serve as a symbol for the Department of Education, as James Schlesinger did for the Department of Energy.

SAUNDERS: Chris, don't you think that the situation might change if the Senate passes a Department of Education bill that minimizes the areas of controversy? That kind of a bill could come out of the Senate rather quickly with an overwhelming vote and strong Ad-

ministration backing. Don't you think that would put pressure on the House to get moving?

CROSS: Not given the committee (Government Operations) to which it will be referred. Also, the opposition of the American Federation of Teachers, the AFL-CIO, and the U.S. Catholic Conference will be much more visible in the House.

HUMPHREY: Until now, you've had historical positions in favor of it on the part of a lot of organizations. At this point, a great many other interests have not really been heard from. For example, the U.S. Catholic Conference is opposed to the creation of a cabinet-level Department of Education. A number of civil rights organizations have a great deal of concern with the inclusion of the functions of HEW's Office for Civil Rights (OCR). Members of the Congressional Black Caucus have concerns over OCR and the inclusion of Head Start and child nutrition programs. These things haven't been dealt with because until now a cabinet-level Department of Education was not a serious question. Some organizations hope someone else will kill it for them, so they don't have to get their hands dirty with it.

These things are going to have a great impact over the next year on the perception that everyone is for this, that it's a great thing to do, that it comes as an unmixed blessing, and that it will accomplish all of these things that we want accomplished. That's been the general perception of the people who are involved in it. That's going to change. There is no momentum in the House, and, from everything I can see, it is going to take something to get it moving.

O'KEEFE: There are also rivalries. The greatest opportunity the Department of Education offers is to build into it some of those other programs across the federal government that need to relate very closely and keenly with education. In that way, we can build cross-ties at the service delivery level of the types envisioned in the Youth Employment and Demonstration Projects Act or in the Vocational Education Amendments, but which, because of various organizational distinctions at the federal level, haven[redacted] developed. That would be the most hopeful result, in terms of the policy and impact on education in this country, of creating a Department of Education. The idea of a Department also con-

tains the seeds of a very difficult time, because other constituencies may be very comfortable where they are already lodged. For example, the youth employment programs are pretty well tied in with the Department of Labor, just as school lunch programs may be comfortable in the Department of Agriculture and the arts and humanities in their endowments. I suspect that Congressional sponsors of those programs would not feel that they ought to belong in a Department of Education. A larger Department, one that really grapples with the question of how we can tie together some policy areas at the federal level, is going to have very rough sledding. By itself, the notion of simply taking the Education Division and turning it into a Department has minimal benefit. One of the reasons that we have a very excellent education budget is that we have flexibility within HEW to do that. That is to say, we get a ceiling from OMB for the total Department of Health, Education, and Welfare, and by simply jiggering around with some of those very large entitlement programs in the health and social services area, we can create flexibility for our discretionary programs—of which education is the major beneficiary—on the order of a billion or so dollars. We used that flexibility this year.

The more traditional view is that, because HEW has those big, uncontrollable programs, education is kept down. In fact, it's the kind of thing that gives us the flexibility to go back to OMB and say, "We've done this and this and this to Medicare/Medicaid, and here we've put this money into education," and they say, "But we don't want to put the money in education." We counter, "But we've done it within our ceiling." We did, in fact, come back to OMB within our ceiling and get a substantial increase over what they had intended in education, because we had that flexibility. A separate Department of Education, or an Education Division opened directly to OMB and receiving an OMB ceiling, may not receive quite as good treatment in the budget process.

JENNINGS: I've always heard the argument in the Congress, as you said, that a separate Department of Education will give education a real increase in funding because it will be taking money away from the health and welfare "uncontrollables" in HEW. But Mike, you are now saying the opposite. So let me ask you: How many times can you achieve this increase for education? Or is this a one-time oc-

currence with Medicare/Medicaid and with Aid to Families with Dependent Children, where underestimates were made of certain numbers of people and there was a crackdown on fraud in the welfare programs, and all that sort of thing? How many times will that occur, or is this a one-time only thing?

O'KEEFE: The technique within the Department is called "Improved Estimation Techniques." Seriously, you could look at the history of the process and see that it's been going on for a number of years.

JENNINGS: Sam Halperin's testimony on a Department of Education before the Senate Governmental Affairs Committee made the opposite point: that the entitlements are increasing and eating up higher and higher percentages of HEW's budget.

O'KEEFE: If you look at the result on the outside in terms of the annual percentage by which things increase, that is correct if only because of growth. Considered internally—that is, working with a ceiling from OMB, which is not picked out of the air—it's something else. The OMB takes each of the chunks and gives what it considers to be sensible increases. They make their own estimates of social security, welfare and Medicare/Medicaid payments far in advance, so that their estimates are rough. Then they aggregate that and give us one big number.

JENNINGS: Next year, when OMB has caught on to the fact that they don't have to put these dollars into the other two areas, will you still have that flexibility in the budget, or is this a one-time only occurrence?

O'KEEFE: All we can do is wait, I guess, and try it again.

HUMPHREY: The regular HEW bill has worked that way for all the years I've seen it. OMB comes in with deliberately high estimates on Medicaid and Medicare in order to hold down the other areas.

JENNINGS: Last year Senator Magnuson (D-Wash.) put in a lower estimate in welfare, and then he didn't have to increase the HEW bill too much overall even though the Senate Subcommittee on Appropriations (Labor-HEW) increased the funding for education.

HUMPHREY: It turned out he was right. My understanding is that the estimates that they got on welfare were grossly overestimated.

IEL: Essentially Magnuson's figures stuck in the conference committee. Let's go to some other arguments, pro and con, on the Department of Education.

McGUINNESS: The reaction of the states to S.991, the Senate's bill to create a Department of Education, and to the President's proposals on a separate Department is mixed. Some state officials continue to oppose the idea. A few support it. The majority have adopted a posture of lukewarm support with an emphasis that, "if it's going to happen, or whether it happens or not, certain points on intergovernmental relations should be followed."

The people who constitute the "state" are divided on the subject on the basis primarily of their current ties with USOE and HEW. Governors and legislators feel that they have been listened to and involved more by HEW under the Carter Administration than in any recent Administration. But this has happened primarily at the level of the Under Secretary and in parts of HEW other than the Education Division, where the relationship to the states has been primarily through the chief state school officers. Governors and legislators fear that formation of a separate Department would mean even less, rather than more, involvement for them in federal education affairs. In contrast, chief state school officers seem to favor a separate Department, partially because it might clarify lines of responsibility.

States are also concerned that the President's proposals seem to be devoid of any thoughtful conception of the federal role in education and the relationship of that role to the responsibilities of states. The current intention seems to be to form a Department from various bits and pieces and to leave the definition of the federal role and the Department's functions to the newly appointed Secretary. This is what you might call the "cats in the bag" approach to reorganization: You gather all the cats together in a big bag and let the biggest and fattest cat fight its way to the top. That seems to be a backward approach to reorganization as far as the states are concerned.

ECS has testified that the structure of the Department should provide for ongoing involvement of and consultation with Governors, legislators, state board members, chief state school officers and state higher education officials. This should be at the heart of

the Department's purposes and structure. It cannot be handled solely through an advisory committee. I also think that a new Department's input from the states should be from organizations of the states rather than through a federally-appointed mini-advisory commission on intergovernmental relations.

As a final point, a serious issue is what occurs between now and when a separate Department is established. Interim reorganization could end up limiting education's options in the long run. For example, the reorganization of student assistance programs, while probably sound from a financial management point of view, will not simplify the access of students, schools, colleges, and states to HEW for information about benefits and program administration. If the formation of a Department of Education is delayed for a year or two—and it may take that long to get legislation through Congress—the current sense of uncertainty and conflict within HEW will intensify. This is extremely destructive.

SAUNDERS: I'm not so much interested in whether a separate Department is established as I am in assuring that Executive Branch decisions which impact on our education system are made with due consideration of that impact. The policymaking process as it exists today permits decisions on major changes in educational benefits for veterans or Social Security recipients to be made without any consideration of the implications for USOE student aid programs. No one even thinks to consult the federal education officials; when decisions are announced, that's the first they've heard of it.

The impact on the non-profit sector generally, and on schools and colleges in particular, is too often ignored when major governmental policy decisions are made. Energy is a good example. The Ford Administration's energy proposals inadvertently left out the whole non-profit sector even though it consumes a great deal of energy. The Carter Administration made almost the same mistake.

So I think the most important thing is to provide better assurance that the education officials in the Executive Branch have an opportunity to be involved in all policy decisions which affect education in a significant way. This can be accomplished by

establishing a separate Department or by other organizational arrangements.

IEL: Why is there a kind of consensus that it would be like yanking teeth that won't come out to get the various components that might logically constitute, say, a middle-of-the-road Department of Education. I mean, you don't disembody the National Science Foundation, the Endowments for the Arts and Humanities and that kind of thing; but you do take things from Agriculture, and you do take them from Labor. We have after all created three cabinet Departments in the last ten or fifteen years: Energy, Housing and Urban Development, and Transportation. In fact, HEW itself is not all that old; it came in the first week of the Eisenhower Administration. Why is it so different to try to pluck these various sectors out from under executive agencies to put them into an expanded Department of Education? Have things changed? Is the sense of turf stronger now?

CROSS: Part of the answer to that is in the organization of Congress. Once you get beyond the Education Division, and one or two other minor areas, then you branch out into other committees like Veterans, Science, Banking, Urban Affairs, and others. They are all going to feel threatened by their perceived loss of responsibility even though they might not lose any authority at all.

IEL: We had it with Transportation, HUD, and Energy, didn't we?

CROSS: Not to the extent we do in education.

HUMPHREY: You're also talking about initiatives that were relatively new at the time of the Cabinet-level Department. The one mitigating argument, as far as I'm concerned, is that right now the federal interest in all of the areas that you mention is almost paramount; it represents the major and controlling interests in energy and in all of the others. In education, no one has really come up with something that convinces me that the federal government's limited role warrants a cabinet-level Department. Moreover, I don't believe you can establish a Cabinet-level anything and not expect it to regulate.

IEL: The other side of that, though, is that education as a federal responsibility is not seen as all that pivotal to the future of our society as we know it. Why should there then be more territori-

ality and greater resistance to allow an agency to shut something off now than was the case a few years ago, when other cabinet-level agencies even bigger than the proposed new Department were set up?

HUMPHREY: I think that that pattern of education administration in the federal government, which may not look logical to social scientists, reflects the fact that education has many facets in our society. There's an educational implication in the scope of virtually everyone's activity. Certainly, the National Science Foundation can define itself in more than one way. But one of the major ways, and one of its major aspects, is education. Certainly the Employment and Training Administration in the Labor Department can define itself in a hundred ways, but one of its major roles is education. And I think that what we see is not so much a crazy quilt pattern as a pattern that reflects the kinds of interests that education represents in American society. Now maybe it doesn't all fit on a chart, but there are some things that do—that we'd be better off without.

BLAKEY: Let me throw out some facts that seem relevant and then make a "Jimmy the Greek" type of prediction after we look at what the various strengths and weaknesses are.

As further discussion of the Department proceeds, there will be more attention to what the pieces of the new Department will be. I think we should look at a couple of other facts: number one, at least 55 Senators are cosponsoring S.991, and Senator Magnuson, who chairs the full Appropriations Committee in the Senate, has indicated his willingness to create an education appropriations subcommittee. At the same time, he announced that he'd be working very closely with Senator Ribicoff and Senator Pell in an effort to create a separate Department of Education. I don't think that such a statement from him should be taken lightly.

Those facts add up to maybe two years, but a lot will depend on what kind of momentum comes out of the Senate, how many more than those 55 or 56 cosponsors subsequently vote in favor of the Senate bill. Chris's point is very well taken. How much does the President really want to spend on this, and what will he do in the House? To Charlie Saunders, I'd say that a lot of what hap-

pens is going to depend on where higher education finally comes down. I think the perception that this is the National Education Association's bill, and that some teachers are the only individuals and the NEA the only organization that want a separate Department, has a lot to do with the slow pace of the process. To the extent that higher education gets off the fence, the final outcome of separate legislation for a Department will be decided. That will determine, in one way or another, the outcome in the House.

One sure way to kill the idea is to overload it with Department of Labor programs. Include the Arts and Humanities Endowments, the National Science Foundation, and the Veterans Administration loan programs, and we'll have a Christmas tree that won't stand.

Six Years to 1984

IEL: It's six years to Orwell's 1984 and two years to the Presidential election of 1980. Which way do we go? The National Education Association and others have called for federal support of education at a level of one-third of all educational costs by the 1980s. Let's examine two questions: (1) will the impressive budgeting percentage requested for FY 1979 have increased the scope and intensity and depth of federal role in education and (2) will the apparatus that administers it be any different or better?

McGUINNESS: The extent of any further increase in federal funding for education in the next three to six years will depend greatly on what occurs on Congressional proposals for tax credits. A tax credit plan at either the higher or elementary/secondary level, or both, could dramatically affect the federal role in education. Enactment of a major alternative could lead to a dramatic increase in funding for fiscal year 1978, but then only slight increases in subsequent years. By the early 1980's, I predict that we will have returned to a period of only relatively small annual increases in funding for education. Pressures for continued increases in federal funding will lead to more questioning about how federal funding relates to and affects state and local funding. To what extent will increased federal funding simply displace state, local and private support?

The federal role will increasingly be seen in relation to state and local roles rather than in isolation. Also, I think that the question of the impact of federal funding on equity in finance and quality will loom large.

On the second part of the question, I would hope that by 1981 to 1983 we would be well into the implementation of a major reorganization. The benefits of the reorganization should just be being felt. If a separate Department is formed in 1979, it will take until 1981 to 1983 for the "sense of place" and informal networks which make a large bureaucracy work to be mended and reestablished. Finally, from a substantive viewpoint, we should be in a period in which the initial rough edges on federal policies on education for the handicapped should have been smoothed and the positive effects of the policies will be seen, when the formula for Title I of ESEA can finally be updated, and when, as suggested early, our attention can shift to the difficult problem of maintaining quality in a period of stability or retrenchment.

CROSS: I suspect you won't see any great increase in the federal share of spending for education. I'd be surprised if it would go more than a percentage point or two above the FY 1979 level in the next two years. I think even maintaining that, given the growth of the budget in other areas and the decrease in enrollments, will be a substantial accomplishment.

IEL: What about relations between Congress and the Executive Branch? Will the system work better?

CROSS: I guess you have to get back to what Aims asked earlier: Compared to what? It'll be working somewhat better that it did for the last eight years because the two branches are now being run by the same party. But I think that the last several years have institutionalized the independence of the Legislative Branch. We are not going to return to the kind of dominance by the Executive Branch that existed before the early 1970s. Overall, that's probably quite good.

HUMPHREY: We haven't discussed the role of the Congressional budget-making process at all; and that's a whole separate discussion. By 1984, that will either be something that is well established and functioning, and possibly in charge, because obviously the Con-

gress has the greatest power of the purse. Or it's something that will go by the wayside. I doubt the latter.

BLAKEY: Good, in the sense that the Budget Committee is establishing, or attempting to assert, its role, although I don't know where all that's going to end up. As a mechanism, the Congress will have, within a few years, the budget-making information—which is really what makes budgets—that's adequate for it to proceed in a more independent way than it does now.

We'll see what these things mean within a few years. I think that they will lead to a greater share of the decisionmaking on the part of the Congress, a more independent stance, and probably a better shake for education as a priority, simply because I think the Congress will usually have education as a higher priority than the Executive Branch because of the limited federal role in education and the fact that Members reflect their constituencies more than the "big picture" presidency.

IEL: I am intrigued by a closer look at HEW's budget justifications for Fiscal Year 1979 which discuss new positions in the Executive Branch. It's interesting and very significant that, along with this very favorable education budget of almost $2.5 billion new dollars, HEW concurrently requests only 78 new staff positions for the entire Education Division. At the same time, HEW requests almost 1,200 new positions in the Secretary's office—Office of the Inspector General, Office of Civil Rights, and such. I think that tells you something about priorities—both Executive and Legislative—because those programs, of course, were mandated by the Congress with enforcement left to the Executive Branch. But if numbers show where one's priorities are—78 versus 1,200—then we have a rather vivid impression of where we might be going by 1984, namely, toward more regulation and enforcement.

In picking up on the prospect for 1984, I'd like to suggest a more Utopian kind of version of where we might be. I would hope that, by then, we will be at a substantially higher funding level for federal education programs. Secondly, I would hope that we will be at a point in which some of the objectives and some of the values that were expressed in the mid-1960s by this legislation that have endured in both parties in Congress and in the Ex-

ecutive Branch are in fact fulfilled. That is, I would hope that children with particular needs above and beyond those of the average or normal child would be receiving those services that are needed; that disadvantaged children are receiving additional educational service that gives them a better chance to overcome the handicaps of their background; that handicapped children are being brought into the mainstream of education to the extent possible; and that those children in our society, who are not decreasing in numbers, who come to the schools not knowing English, and come to the schools from a different culture, are in fact integrated into that school and into the American cultural mainstream, learning English, while enriching their basic culture, and preserving their own background.

Thirdly, I would see a situation in which the federal-state relationship operates in a much more cooperative style and that, where states have picked up the federal priorities and are serving those kids, the relationship between the federal programs and the state programs is much clearer and smoother. Let's hope that, as Jack suggested, the programs will start to blend and merge because, to take a classic example, education for the handicapped serves many of the same population as does Title I. Bilingual children tend to find themselves overlapping with Title I children as well. By 1984, perhaps, we can eliminate the confusion that these separate efforts have created. I would hope that the Secretary of the Department of Education can preside over an agency that really does three things, cleanly and efficiently: disburse money, as in the student aid and major elementary and secondary programs; run a successful program development and special priority kind of operation that exemplifies federal leadership and concern for emerging federal priorities; and, thirdly, operate a healthy and functioning research and development branch which we have not had to date. Some of the commentary today suggests that we are headed in that direction.

SAUNDERS: As far as higher education is concerned, the prospects seem fairly optimistic for the next few years. The Administration has expressed its willingness to work with the existing programs and not threaten their existence. That should make it possible for the community, the Congress and the Administration to work together to simplify the enormous complexity of higher education

programs, particularly student aid programs. I am somewhat optimistic that major improvements may come out of this effort as a result of the Administration's willingness to commit an additional $2 billion to student aid over the next two years. That makes it entirely possible that the goal we established in 1972 may become a reality for the first time by 1984, that any students who need funds to attend postsecondary education will be assured that their needs will be met by the combination of various programs. That would leave as the remaining objective for higher education in the 1980s dealing with the question of institutional support and the extent to which the federal government has a responsibility to assure the health and strength of the whole higher education enterprise.

BLAKEY: Where are we going, and does it mean more dollars? Several things strike me as important. The first will be court decisions, state and federal, particularly those related to private school funding, civil rights requirements, and bilingual education. A second thing which might affect those decisions would be tuition tax credits, what might happen if the court begins to deal with that in the context of whether or not it's constitutional, or by Senator Packwood's (R-Ore.) concern that even public schools might start charging tuition if we adopt tuition tax credits in elementary and secondary education. Would the federal government make up the loss of dollars at the local level?

Also, what happens when we start talking about full funding for Title I and the Education for All Handicapped Children Act? Finally, how far can we go to meet our goals, of which the main one, I think, is rapidly becoming education through college for everybody who wants it.

JENNINGS: We can't talk about monumental change in the relatively short period of time between now and 1984, but I do think we will probably have a very substantial increase in the federal government's efforts to provide middle class families some assistance in offsetting the cost of higher education. We'll probably have a much greater emphasis on basic skills in the elementary and secondary schools, with some improvements starting to show up by that time.

IEL: Will this be as a result of federal initiatives?

JENNINGS: Partially, but it will be mostly the result of the publicity which is given it in the media about declining test scores. It will also be a concern on the part of parents that their kids can't read or write. It will be a universal concern which will be partially helped but not driven by federal aid.

The third thing is that we will probably be approaching full funding for the handicapped and for Title I and be faced with the question of where federal aid fits into this entire mix of aid for elementary-secondary education. That is a very difficult question which is going to have to be sorted out very gradually. Mike O'Keefe noted that in talking of the 1960s; since the states hadn't done their job, the federal government had to step in. Now some states are doing it, but many aren't. How do you treat them differently, especially when many more states will be trying to do things which some states are doing now? The 1978 Education Amendments will begin to deal with that, principally through amendments to Title I, to reconcile Title I funding with state compensatory funding. The major issue that will still have to be faced is how federal aid, as a long-term proposition focusing on certain types of students, fits into all funding for education.

The last thing which I would guess is going to be a more important issue by then than it is today is the other side of federal aid: the enforcement side. With the increase in staffing for the Office of Civil Rights, the Equal Employment Opportunity Commission and the HEW Inspector General, there will be a much greater federal presence. Part of this will be much more effective enforcement of Title IX and Section 504 of the Rehabilitation Act. Title IV of the Civil Rights Act and the *Lau* aspects of the Civil Rights Act will have more discussion revolving around the role of the federal government in requiring certain types of actions, either under the guise of the Constitution, or under a legal guise not directly tied to the constitution, such as Title IX. The discussion will also revolve around whether the federal government should be paying for any part of it, or whether these are constitutional and legal obligations which have to be carried out, regardless of funding level. The enforcement question may be at that point in time more serious, because Title I and the major elementary/secondary programs will be extended until 1982 and possibly 1983. So in 1984 there will be a slow legislative period on programs, and the enforcement issues may be paramount.

II

Some Diagnoses and Prescriptions

Some Diagnoses and Prescriptions

by **Samuel Halperin**

Americans have *always* had a love-hate relationship with Washington. George Wallace-ism. Richard Nixon's "New Federalism." Jimmy Carter, the anti-establishment candidate. Shock waves from Proposition 13. These are only a few of the manifestations of America's uneasy encounter with the realities of Big Government and its sloganeered accompaniments: Deficit Spending, Galloping Legislative and Judicial Interventionism, Creeping Bureaucracy, and the like.

Or, instead of slogans, we tell jokes:

—Like the puzzlement of two ladies from the Middle West observing for the first time the antics of our U.S. House of Representatives. When the voting bells went off, and Members and pages scurried in every direction, one lady turned to the other with alarm in her voice and queried: "For God's sake, what's happening?" Her friend replied, with equal alarm, "I don't know, but I think one of them must have gotten loose!"

—Like the chief state school officer who died and went to Hell. One day he was communicating with another chief still among the living. The survivor asked his departed friend what Hell was really like and received this answer: "Well, first of all, down here we've got *two* U.S. Offices of Education."

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Salient Features of American Education

All of which leads to some propositions and diagnoses about federal policymaking in education and, later on, to some modest prescriptions for improving our current policymaking apparatus.

To understand educational policymaking in Washington—or in the states, for that matter—we need to start with a frank recognition of some of the salient features of the contemporary American educational arena.[1]

Numerous Participants—The domain of education is occupied by thousands of agencies, organizations and groups whose diverse needs and views must be taken into account. The sheer number of involved participants makes it exceedingly difficult to carry on rational dialogue, to select effective means of mobilizing public support, to anticipate demands, and to estimate, even approximately, the consequences of public policies, decisions, and programs.

Decentralized Decisionmaking—The long-standing decentralization of authority and responsibility that characterizes the educational system in the U.S.—from many points of view, one of its most cherished features— increasingly aggravates two lines of competition and conflict: (a) among lay persons and professionals within the tradition of local control through elected boards; and (b) among levels of government—state, local, and national. Both lines are subject to shifting balances of power and influence among the two sets of potential opponents and are crucially interrelated around such questions as: Who should take what responsibilities? For what quality of educational service? Rendered to whom? Tension is further exacerbated by new claims to legitimacy, for example, for "community control" and "parental involvement."

Factionalism, Fragmentation, Conflicting Goals—When the increasing number of active participants and the struggle for control are combined with the effects of societal complexity, pluralism, and highly specialized roles and functions, destabilizing historical trends are greatly intensified. Among the most notable of these trends are: the presence of strong factionalism in educational policy and policymaking; the difficulty of coordinating educational purposes and resources in a highly fragmented delivery system; and the unexpected and unintended impact of major events and unrelated decisions on educational goals and achievements. These "uncaused" and accidental events and resulting conditions severely complicate the difficult tasks of ensuring accountability and forecasting the results of policies and programs.

Difficult to Improve—Partisan conflict, distrust among leaders and groups, poor or non-existent communication among key participants, opposition among

apparently equally qualified experts, and jurisdictional competition each test, shape and complicate policymaking processes and procedures. Essentially the same factors that make effective policymaking difficult also stand in the way of efforts to achieve improvements.

No National Education Policy and No Agency Responsible for Performance of Education Policymaking—The net results of these considerations are that (1) there is no coherent, widely shared, or clearly understood "national policy" for supporting and strengthening the abstraction called "the nation's educational system"; and (2) no institution, agency or group of organizations has accepted responsibility for, or involved itself in, creating better public understanding of the policymaking process or for improving both educational policymaking and its problem-solving structures and processes. Needless to say, the lack of agreed "national policy" does *not* imply the desirability of a closed ideology or a single, overarching plan. What is missing, however, is a national strategy for strengthening policymaking in education.

The External Bases of Policy

Depending on who does the counting, there are at least 500 distinct federal education and education-related programs,[2] administered by at least 70 different executive departments and agencies. These programs together account for over $23 billion in the current federal budget. Despite such heavy activity, the federal government's numerous involvements with education are seldom justified as aid to improve education, *per se*. Rather, the "Feds" utilize educational institutions as instruments to pursue more specific goals. Some of the most important of these, as measured in dollars: to help military veterans readjust to civilian life, to advance scientific research and development (most often in specified, applied areas), to combat poverty and unemployment, to train skilled workers for a technological society and, thereby, to strengthen national defense, to improve the nation's health through training of health professionals, etc.

In other words, "education" may be the mode of delivery but it is not the major organizing concept for, or the primary intended beneficiary of, federal programs. Only when we realize this central fact can we understand why so much damage is done, mostly inadvertently, to educational institutions and practices by so many education-related programs of the federal government.

Any analysis of Washington's role in formulating educational policy must start from the realization that many of the federal government's deepest impacts on

education result from policies enacted by non-education Congressional committees and their implementing bureaucracies in the Executive Branch.

The best example of this in 1978 is tax credits for payment of educational expenses, with implications for education that are vast and uncharted. This legislation is considered by most Members of Congress as a tax measure, or more specifically, as tax relief for the hard-pressed middle class. The bill is handled by the Senate Committee on Finance and the House Committee on Ways and Means, with the House and Senate education committees making only marginal contributions.

This is hardly the first time that Congressional tax committees have dealt with major education-related issues. We already have tax credits for preschool and child care expenses, charitable deductions for contributions to education, restrictions on foundation giving, parental exemptions for dependent students, deductibility of selected educational and training costs, various ways to treat income from fellowships and scholarships, and a host of other tax/education policies.

Similarly, the recent act prohibiting mandatory retirement prior to age 70[3] can have far-reaching consequences for educational institutions and their tenure systems. But this act was considered as a labor and anti-discrimination measure without significant contributions from educators, administrators and faculty.

Additional "non-education" policy areas could also be cited, each with a profound influence on educational costs and/or educational practices: energy, social security taxes, regulation of pension plans, equal employment opportunity, occupational safety and health, and so on.

Even the current bills to create a Cabinet-level Department of Education are being considered by Congressional committees on organization and operations with only peripheral commentary by those Members with genuine expertise in education.

It is clear that most federal programs arise from external social forces, rather than from the primary efforts of educators. Thus, World War I created a response in the Smith-Hughes vocational education act; massive demobilization after World War II led to the GI bills; Sputnik sparked the National Defense Education Act; the War on Poverty and the civil rights revolution fueled Head Start and, a year later, Title I of ESEA; persistent unemployment contributed to the Comprehensive Employment and Training Act and the Youth Employment and Demonstration Projects Act, and so on.

Here and there, educators managed to catch hold of one of these waves of massive social change and were able to graft on programs of more generalized educational significance. For example, ESEA Title I and the social and political forces that brought it into being also carried along ESEA's old Title V, to strengthen state departments of education, Title III, for innovative supplementary centers and services, Title II, for improving school libraries and instructional materials. Similarly, the War on Poverty's Economic Opportunity Act of 1964 provided the locomotive power for enacting long-stymied educational programs, such as Adult Basic Education and College Work-Study.

Far from having been the principal architects and expediters of major federal education programs, America's educators generally failed to anticipate and to advocate solutions for the problems underlying the major upheavals of our time. Thus, the War on Poverty, the civil rights revolution of Blacks, other minorities and women, the far-reaching P. L. 94-142 and Section 504 statutes relating to handicapped persons, the new struggles over age discrimination—and many others—saw most educators in a reactive, rather than proactive, role. Even worse, their lack of involvement and their often hesitant and tardy entry into the fray caused many of the plaintiff groups to identify in educators and education "the enemy" they were seeking to defeat. As a result, in too many areas of our society today, educators—especially, educational administrators—are seen as culpable—by minorities of all types, by the disabled and handicapped, by feminists, by civil rights activists, by the poor and unemployed, by child development and day care advocates, and by a significant portion of students of all ages, parents, and taxpayers at large.

One important corollary of this proposition is that educators in Washington often stand alone when we desperately need allies. Except for the superb lobbying skills and political brawn of the AFL-CIO, which has long been education's single most effective advocate, education lacks dependable external support.

Characteristics of the Federal Role

Federal involvement in education, as stated earlier, has been justified in a number of *instrumental* ways, hardly ever as an end in itself. Similarly, the roles taken by Washington in its involvement with education have varied greatly over time. Consider these distinct possibilities:

- *The Stimulative Role*, whereby federal categorical aid is used as an incentive to get people to do something that the "Feds" consider desirable. This role includes "framing the issues," that is, presenting problems in a particular way (with or without accompanying dollars) so that other policy-

makers and the public at large gradually come to view them through that frame or lens. As examples, Head Start catalyzed a basic change in the way we have come to think about early childhood development while Title I and related programs popularized and then institutionalized, in extremely short order, the newly emergent concept of compensatory education.

- *Research and Development*, i.e., the discovery and dissemination of new knowledge or improved practice.
- *Service and Technical Assistance*, using federal staff to help state and local educational units. This also includes the training of educational personnel and leadership.
- *Moral Leadership*, attempting to alter or establish priorities and communicating ideas through Washington's "Bully Pulpit." (For example, exhortations for Career Education and Right to Read.)
- *General Aid or Support of Operating Costs*, a role long discussed, with the federal share of the elementary-secondary educational bill usually targeted at one-third. There are, of course, major federal programs originally enacted as stimulative or "demonstration" measures which now provide substantial operating or "service" funds in large categorical areas, e.g. Title I, handicapped and vocational education. But, aside from the impacted areas programs, there is no unrestricted and broad-gauge federal aid in elementary-secondary education.

  A different case, in postsecondary education, is the multi-billion dollar, need-based student financial assistance programs. In policymaker parlance, Washington has placed its bets on the ponies (students) instead of on the tracks (institutions). Students and their parents (all of whom can, not incidentally, vote) are afforded a measure of freedom in their choice of colleges and universities. Indirectly, through the marketplace mechanism, federal dollars are allowed to flow into the general revenues of thousands of public, private, nonprofit and proprietary institutions. It is precisely this analogy, now being vigorously urged for grades K-12, that currently enjoys immense political appeal, not the traditional exhortations to enactment of general federal aid to education.
- *The Regulatory Role*, which was not supposed to happen, which few really wanted to happen, but which, notwithstanding, has happened.

  From time to time, Washington changes its signals. Instead of playing the role of great innovator and stimulator, as was the case in the mid-1960s, Washington has increasingly seen itself as a selective funder of

programs to aid the poor and the disadvantaged. Title I of ESEA, need-based student financial assistance in higher education and, recently, aid for the handicapped have become the three multi-billion dollar "Equality of Access" pillars on which most of the education agenda has been built. Increasingly, however, with accompanying dollars to ease the pain—or without such emolient aid—Washington has assumed an increasingly regulatory, standard-setting role. Executive bureaucrats and Congressmen, too, have combined to produce laws and regulations that are even more demanding and prescriptive.

Legislators are heavily attracted by the challenge of legislating, of putting one's personal stamp on the lives of 220 million Americans, of "making it" in one of the greatest macho games of our time—authoring one's own bill. In simpler words, most legislators today believe their job is to legislate. But, as recently as 1960, a very large percentage of the Members saw their legislative role as primarily a conservative one: stopping new social programs from being born, and protecting dominant interests from being undermined by the enactment of new legislation favorable to challenger groups. Legislative restraint and the negative protection afforded by lazy legislators have vanished along with the Eisenhower-era image of sleepy town Washington slumbering along the banks of the Potomac.

Legislative activism can also be ascribed to the rapid pace of judicial activism. *Brown, Lau, Pennsylvania Association for Retarded Children*, and a host of lesser-known court cases have each called forth one or more responses, thus adding volume to normal legislative appetites.

And then there is the activism spawned by the Executive Branch's seemingly insatiable need to "have a program," to "do something new." Unlike some other departments of government in which the leadership sees its role largely in managerial terms, HEW's leaders have, predominantly, been cut from an activist mold. Would-be appointees have not been selected primarily for their ability to make sense out of the 130 or so disparate programs in HEW's Education Division and to assure the Congress and the taxpayers that these programs are working reasonably well. Rather, the main question seems to be: What dramatic action can the new appointee take to get influential people talking about his new initiatives, to use his transient average of less than two years in office in order to "make waves," to get noticed for selection to the next rung of national achievement?

An equally important ingredient is the activism spurred on by a myriad of some 500 education interest groups. These associations, proliferating at the rate of

one or more per week, seek to get "closer to the action" that affects them and to show their constituents back home that they are "doing something." The quickest way to do this is to design an amendment, mandate a certain action, tinker with an old formula, or even introduce an entirely new concept for legislative intervention. Since Members of Congress are eager to please, few Members today would risk constituent ire by telling a supplicant "that's a damn fool notion and we don't need any more laws!" Lobbyists soon learn that there is a sponsor for *any* idea and a reasonably good chance to secure enactment if that idea isn't too costly, doesn't do much damage to other interests, and provides its potential sponsor with speaking honoraria, favorable publicity and the other appurtenances of democratic elective government.

"Who's Minding the Store?"

Not only is "policy" fractionated in the Congress and in the various mission-oriented executive agencies, but there is no one in the federal city who looks out for the totality of education. Worse yet, few policymakers of consequence worry about education very much at all.

The U.S. Commissioner of Education, responsible for some $13 billion in federal programs (over half the total appropriated for education), is at the lowest grade of the federal executive scale. As such, he has no clout with assistant secretaries, under secretaries or secretaries in other executive agencies, many of whom are responsible for millions and even billions of dollars of federal programs with highly significant consequences for American education. Whatever his personal characteristics may be, the Commissioner is today a minor-league figure in Washington policymaking.

Secretaries of HEW are enormously busy and harried creatures, dashing from welfare scandals to the dangers of food additives, from containment of hospital costs to the desegregation of colleges, from Head Start and day care to feeding centers for senior citizens, from cigarettes and cancer to fraud and abuse in the social security system. While some Secretaries have substantial interest in education, others do not. While some Secretaries try to master the complexity of educational programs, most leave their power in the hands of little-known, relatively unaccountable special assistants whose influence generally far exceeds that of the Assistant Secretary for Education and the Commissioner of Education.

Inter-Executive Branch coordination is marked by its absence. The Federal Interagency Committee on Education, established by executive order in 1965, does useful technical work but has no authority and little credibility.

Fractionalization also characterizes the Office of Management and Budget, whose charter is certainly clear enough to support inter-agency coordination but whose relatively small staff is organized along traditional and parochial lines—e.g. health, education, manpower, defense, veterans, etc. A particularly gross example of this parochialism: The OMB examiner for vocational and adult education is not even in the same organizational unit as the OMB examiner for Comprehensive Employment and Training Act (CETA) manpower and training programs; even conversation, let alone coordination, is accidental, not planned.

Not since 1968 has any single individual or group of individuals served as White House advisor or focal point for education. Individuals on the Nixon Domestic Council or Carter Domestic Policy Staff who concern themselves with education do so only intermittently, have little clout, or turn over with unsettling frequency. Often their very identity is one of Washington's few well-kept secrets.

Not only is education policy shaped in a host of fractionated settings, but the principal policymakers tend to rotate with increasingly frequency. As a result, "institutional memory" varies from the weak to the non-existent. During the 17 years from John F. Kennedy's inauguration to 1978, there have been nine Secretaries of HEW and 15 Commissioners (and long-term acting Commissioners) of Education.

For the better part of this same period, continuity characterized the Congress. Incumbent Members who desired to do so could easily return to Congress and continue to build up seniority and expertise in education. But all of that has changed as well. Of the 535 Members of Congress, 377 (fully 70 percent) were not in office when the Elementary and Secondary Education Act became law in 1965. In 1979, at least 60–80 Members will not return, most through voluntary retirements. More important, of the 37 current Members of the House Committee on Education and Labor, only ten were serving in 1965—and two of these have announced their retirement at the end of 1978.

Policies on education now tend to be hammered out in relatively popular and non-partisan fashion, as contrasted with only a decade ago when Democratic-Republican splits were commonplace, with most of the Republicans being counted among the opponents. Today, major educational authorization bills register votes similar to the 87-7 (Senate) and 404-7 (House) tallies that were accorded P.L. 94-142, the Education for all Handicapped Children Act. One current example: the unprecedentedly large, $51 *billion* plus, reauthorization of the Elementary and Secondary Education Act (H.R. 15) which passed the House of Representatives on July 13, 1978, by the vote of 350-20. Even the GOP

substitute bill offered by Rep. John Ashbrook, which called for the traditional Republican educational prescription of block grants, was defeated by a vote of 290-79, with 61 Republicans voting against the proposal and 61 voting for it.

While party designation may not be a wholly reliable predictor of Congressional behavior on educational issues, patterns of the past 15-20 years lead to certain generalizations. In general, GOP ascendancy—as noted in the Eisenhower, Nixon and Ford terms—signals a low level of educational activity, ranging from "benign neglect" to an active hostility to federal involvement in education. Nixon's "New Federalism" led to numerous acrimonious encounters among the White House, the Congress and the educational community as the former sought to hold down the level of educational spending, to terminate numerous Congressionally-mandated programs and, through general and special revenue sharing, to reduce Washington's role in educational affairs.

Further, Republican Administration policy can be characterized as "Top Down," flowing from strongly held ideological views about the quite limited nature of federal responsibility. Key individuals like Assistant to the President John Ehrlichman and OMB Director (later HEW Secretary) Caspar ("The Knife") Weinberger were the key shapers of policy toward education in the Nixon years.

In Democratic White Houses, on the other hand, rampant activism and much fuzzier ideological preferences dominate the educational agenda. President Kennedy accorded educational legislation an extremely high priority but died with almost his entire 24-part program either defeated or in limbo. President Johnson's legislative activism in education is, by now, almost legendary. President Carter, in his second year, presented a budget[4] and a legislative program exceeding in scale anything Washington had seen since the mid-sixties.

In contrast to the Republican "Top Down" policy emphasis, Democrats seem to operate more nearly from a "Middle Up" policy base. Under JFK and LBJ, education commissioners Francis Keppel and Harold Howe, Assistant Secretary for Legislation Wilbur Cohen, and their immediate staffs in HEW were the most influential shapers of policy. Neither the White House nor the bureaucracy were particularly seminal in formulating the Democrats' abundant programs.

As a general proposition, however, Democratic Administration policymaking tends to cluster at lower levels of the Executive Branch than under the Republicans. Regardless of location, policymaking in education tends to be far more vigorous and activist under the Democrats.

The role of research and evaluation in the shaping of legislative and other

public policy is extremely limited. Not that all decisions are "strictly political" or "irrational," as the man on the street apparently believes. But we do know—from the work of journalists, political scientists and other trained observers—that the personal views of policymakers and of their respected and trusted friends, impact of the media and assumptions about the economy, count for much more than systematic processes of inquiry. Indeed, one highly regarded student of the Congress in a weighted list of eleven variables affecting national legislation,[5] listed information from Congressional hearings as seventh down the list; General Accounting Office reports and other independent assessments as number eight; policy research studies and reports as number nine; program evaluation studies as number eleven.

Policymaking is incremental and essentially conservative. Elected policymakers are loathe to harm existing arrangements or to reduce existing benefits. Executive bureaucrats, too, are seldom willing to contemplate a world *de novo*, in which everything starts "from scratch." Despite PPBS, MBO, ZBB and other tools for more orderly decisionmaking, the best single predictor of tomorrow's policy is likely to be found in what is happening today. Executive Branch budget recommendations tend to be approved by the Congress in some 90 percent of the cases. Deviations are more likely to be on the up side in the case of existing programs and on the downside for the Administration's pet projects and assorted "new initiatives."

When all is said and done, educational policymaking in Washington is mostly concerned with dollars, not with pedagogical and philosophical concepts centered on teaching and learning. While much of the decisionmaking process is enveloped in arguments over what is "effective education," Washington's primary educational activity is to allocate resources to some beneficiaries while, by indirection, denying them to others.

This is not intended to dismiss the Washington policymaking process as merely a thinly disguised struggle over who pays and who benefits—although that is not an inaccurate so much as an incomplete description. There *are* deeply held values which help to explain much of Congressional and Executive Branch behavior. Equity and access, for example, are genuine concerns of numerous policymakers in the Federal City. And their concerns go to the very heart of the process by which dollars and related benefits are ultimately distributed. Equity in employment, equity in access to public information, fair procedures for notification, rulemaking, accountability, and the like, are all dimensions of that process.

In short, if dollars are the name of the game, one must still master the highly complex rules and the variety of arenas in which that game is played.

Improving the System

How can all of this be evaluated—assuming that it fairly represents reality in Washington? Undoubtedly, many will be appalled by it as a gigantic mess. Some will view it as ignorance, incompetence and even evil at work. Perhaps most frightening of all, as David S. Broder has suggested (*Washington Post*, July 19, 1978), is the picture of policymaking out of control: "... people are prepared to deal with malevolence; they're not prepared to deal with the idea that no one is in charge."

These extreme fears are not warranted. What has been described is not necessarily "bad" if one believes that messiness accompanies diversity and ultimately protects democratic freedom. If one does not want an overarching federal presence in education or a truly "efficient delivery system" in Washington, perhaps there is virtue in what I have described as a kind of permanent disarray in our policymaking apparatus.

Yet, we can, and ought to, try to tidy up as much of the mess as possible without sacrificing the benefits of diversity that survive and thrive in the interstices of the federal policymaking complex. Herewith, then, some modest prescriptions for improvement:

1. *A Cabinet-Level Department of Education*—This legislation could well become law in 1978. While most of the rhetoric advocating such a Department in overblown, and expectations in many quarters are unreasonably high, a Department could accomplish the following:

(1) elevate the status of education within the federal bureaucratic establishment and improve education's bargaining power with OMB and other federal agencies;

(2) provide a full-time, high-level staff in the leadership of the Department who will be concerned exclusively with educational issues instead of a hundred other diversions;

(3) lead to a gradual realignment of education decisionmaking centers, particularly through reshuffling of Congressional committee jurisdictions, Office of Management and Budget examining units, and the like;

(4) reduce the number of separate policymaking centers for education and lead to a reduction in the number of key participants who shape education decisions in the Executive Branch; and

(5) assist in the coordination of a federal educational policy within the Executive

Branch by establishing a focal point and an advocate for education's primary interests.

2. *A Unified State Front*—Only recently, Washington has become aware that the concept of "state" is not synonomous with chief state school officer. Indeed, intergovernmental relations is the Federal City's new "in" concept. Each Executive Branch agency is now required to designate a significant officer to act as liaison with governors, counties, cities, legislatures, and other governmental units. Increasingly, Washington policymakers are inquiring whether recommendations presented to them are supported by all parts of the state policymaking community. More pointedly, they are asking not to be placed in a conflict situation with education asking for one policy while governors or legislatures pursue quite another.

The recent attempts of the Education Commission of the States (ECS), Council of Chief State School Officers (CCSSO), National Conference of State Legislatures (NCSL), National Governors' Conference (NGA), and National Association of State Boards of Education (NASBE) to forge common policy and to coordinate representation to the Congress and to the Executive Branch should be encouraged. As limited resources come under increasing pressure, policymakers will be more inclined to support policies which are promoted by political-educational combines, rather than by what they regard as the "special pleadings" of educators alone.

3. *Coalitions with Non-Educational Groups*—It follows, then, that education must end its relative isolation from many of the major social forces and interest groups in the nation. Opinions will differ as to whom education ought to align with, but, in any case, educators cannot go it alone without the mutually reinforcing support of other professionals in human resources, in the civil rights movement, and among the various portions of society which see in education a key to their struggle for social betterment. It will not be sufficient for the 500 national educational associations and offices simply to improve the quality of their lobbying. For, in today's educational proliferation, there is an inherent cancelling out process which must further isolate and weaken the claims of education on other segments of the society.

As several keen observers of our society have noted, consensus has broken down in our country at many points.[6] But if America is to survive as a viable and decent society, a new social consensus must be forged. Such a consensus cannot exist without morally conscious and politically astute educational leadership at its very core.

4. *Making the Hard Choices*—In the severe resources crunch which is now so

widely predicted, educators will need to make tough choices about what kinds of federal assistance are essential and they will also need to do something new: vigorously oppose other educational expenditures to which they accord lower priority.

Yet, educators avert their eyes from other people's demands for resources, even when they do not agree with such demands. A moment's serious reflection would tell them that each new commitment to spend reduces the amount of funds which can be made available to their own priority needs. Yet, the fact is that educators seldom oppose the spending schemes of other educators. Federal policymakers, consequently, complain that *they* have to make unpopular choices because they do not have a prestigious organization lending credence to their view that some programs must obviously deserve higher priorities than others. If coming education budgets are likely to present difficult choices at the federal level, would it not be better to work vigorously to help concentrate limited resources in a relatively few key federal programs than to see them spread over 150 or more separate line items?

5. *Self-Regulation and Pre-emption*—All of this leads to old and rather unstartling advice, yet counsel which is valid in analyzing the federal role. To the extent that educators can solve their own problems and meet the demands of those groups in society which feel disinherited and under-represented, to the extent that they can eliminate abuse in the administration of federal programs, to the extent that they are able to sense emerging issues and to deal with them forcefully and effectively on their own, it should be apparent that they will be forestalling and pre-empting federal initiatives and the onerous federal regulations that often accompany them.

Virtually all students of political science and economics who have observed Washington's behavior since the turn of the century agree that the federal government does not lightly enter upon new areas for regulation and control. Education, itself, is the classic example of federal involvement long deferred. Thus, there is both hope and precedent for believing that the federal role can be transformed into a limited and healthy and supportive role to the extent that educational leaders meet their own responsibilities with timeliness, with foresight, and with courage.

Notes

[1] I am indebted to Richard C. Snyder, Director of the Mershon Center, Ohio State University, who expounded these points as part of a policy formulation process for the Institute for Educational Leadership.

[2]One Library of Congress study lists 439 separate statutory authorities affecting *postsecondary* education alone. See Robert C. Andringa, "The View from the Hill," *Change*, April, 1976.

[3]P.L. 95-256, "Age Discrimination in Employment Act Amendments of 1978," April 6, 1978.

[4]A fourteen percent increase over the previous year and some $2 billion higher than President Ford's last budget. (But wait until Fiscal Year 1980!—S.H.)

[5]Robert C. Andringa, "Eleven Factors Influencing Federal Education Legislation." See, also, Thomas R. Wolanin, "Congress, Information and Policymaking for Postsecondary Education: 'Don't Trouble Me with the Facts' "; both in the Institute for Educational Leadership's *Federalism at the Crossroads: Improving Educational Policymaking* (Washington, 1976), pages 79-98.

[6]See David Broder, *op. cit.*, and Kevin Phillips, "The Balkanization of America," *Harper's*, May 1978.

III

Federal Educational Policy in Transition

Federal Educational Policy in Transition

by **George R. Kaplan**

On January 19, 1978, President Carter delivered his first State of the Union address. Buried deep within it was long-awaited reiteration of his campaign pledge of 1976 to support the creation of a Cabinet-level Department of Education, fleeting mention of improving basic skills, and reference to a "separate written message" containing additional details. Within six weeks of the State of the Union address, the Carter Administration had released its proposed budget for fiscal year 1979 and had issued the promised message. The former called for a surprisingly robust 14 percent increase in spending for education, while the written message, a compact seven-page blueprint, sketched "a comprehensive overhaul of our basic education laws."

This flurry from the White House broke a year of virtual Presidential silence on education and reduced the apprehension of many of the capital's educational policy-watchers that the Carter agenda for education would resemble that of the Nixon-Ford years, a time when presidential enthusiasm for a large federal role had been unremarkable. Carter's first year had yielded only light brushes with academe—daughter Amy's enrollment in a local public school, inconclusive discussions with educational leaders, an early December, 1977, meetings with federal policymakers (but none with the key education-oriented Members of Congress)—and a strong suspicion that education's priority was low in the Carter White House. At the least, the Presidential address, budget, and message provided solid evidence that Carter's second year, and possibly those to follow, would reverse the initial inattention.

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Washington's house of education is huge. No government agency is too small to have its own educational programs; some, like the Veterans Administration and the Department of Defense and the Department of Labor, are deeply involved in education and work intimately with the nation's schools. But, to quote a Presidential budget analysis, their role is deemed "beneficial to the interests of education but [is] not primarily educational in purpose."[1] Even as they attract over a third of the annual federal appropriation for education, these departments do not claim a significant role in the formation and processes of federal educational policy. That role, at least for the Executive Branch, belongs to the smaller, but entirely education-focused, Education Division of the Department of Health, Education, and Welfare (HEW).

Created in 1972 by a Congress determined to demonstrate its policymaking supremacy by exiling the incumbent U.S. Commissioner of Education to the virtually powerless position of Assistant Secretary for Education, the Education Division, with the Assistant Secretary at its helm, is the nominal umbrella over a congeries of technically equal units. But one of these, the U.S. Office of Education (USOE), has virtually all of the money, staff, and influence of the Division. Explicit authority for all but a tiny fraction of the programs technically under its control rests with the Commissioner, who heads USOE. The result is a poorly functioning apparatus in which the main subunit is all-powerful. That Carter's Assistant Secretary of Education refuses to be a figurehead does not clarify a murky situation.

The near failure of that apparatus to generate educational policy during the Nixon-Ford years was not displeasing to two Administrations that preferred to ignore the subject. And it left the field to Congress. Adequately staffed by the early 1970s to work on educational issues and emboldened by its success in overriding all but one of the annual appropriations vetoes of the previous two conservative Presidents, the Congress became more concerned and assertive. Initiating educational legislation that it despaired of receiving from the Republican Administrations of 1969-1977, and unafraid to collaborate with the educational interest groups that found themselves only tolerated and often unwelcome in the Executive Branch, Congress became the dominant force on the federal educational scene. There is little evidence that it intends to relinquish this role.

It has become evident, meanwhile, that the new Administration believes in a strong Washington role in helping to educate Americans, especially those who are poor, handicapped, or inadequately grounded in educational fundamentals. Whether this commitment is honored may depend less on the substantive emphasis of its programs than on how the system that makes and executes federal

policy is ordered and managed. The comments that follow address the main trends that characterize this system in the second year of the Carter Presidency.

The Federal Province

Direct federal support, in its various guises, still accounts for approximately 9 percent of the costs of elementary and secondary education in America and hovers near 20 percent for the nation's postsecondary institutions and students, statistics that may partially explain the Administration's slightly greater emphasis on the former. This does not represent general aid given to systems and institutions to supplement tax and tuition-derived sources of funding for whatever purposes appear appropriate to the users. Rather, federal support of education comes in an array of Congressionally approved funding arrangements with specific target groups and purposes written into the law. Even in a time of evident good intentions and hikes in federal appropriations, the panacea of general aid is not visible. Washington's contribution is, instead, many-sided and thus, to many critics, lacking both in definition and sensible purpose. How, they ask, can the 130 programs administered by the components of the Education Division of the Department of Health, Education, and Welfare respond in anything like a systematic way to the educational needs of the nation?[2] The clear answer, of course, is that the Education Division—and even the proposed Cabinet-level Department of Education—cannot and should not respond, for full federal control of education would be neither constitutional nor wise.

But after a generation of a serious federal presence that has evoked carping rather than opposition from even the most ardent advocates of states' rights, it is equally clear that Washington has become a partner, often indeed an excessively intrusive one, in the direction of the nation's education. While the national government does not stipulate curriculum, impose standards, or manage school systems, it does function in ways that directly affect these and a myriad of other basic educational purposes. If there is today no single federal role or policy in education, except perhaps to the extent that Congressional legislation and accompanying funding provide undisguised but unconnected messages, it is nonetheless possible to discern patterns and sectors that have come to be accepted as the province of Washington's decisionmakers.

Whether through legislation, the actions of federal courts, or, in less frequent instances, administrative regulation, the federal government is recognized as able to stimulate other jurisdictions to do things that Washington—Congress, the President, various citizens' and professional groups—believes appropriate. With the leverage of federal law or urgent national need, presumed or real, the

federal government can exert moral or even tangible leadership in such areas as literacy (the Right to Read program), the necessary linkage between education and work (Career Education and the Youth Employment and Demonstration Projects Act), or dozens of others. Or, with little dispute from states and localities, it can simply subsidize large segments of state-agency or school-system payrolls under such pretexts as Title V, "to strengthen state departments of education," of the Elementary and Secondary Education Act (ESEA) and a variety of other titles, notably the well-funded Title I of the same Act, "financial assistance to local educational agencies for education of children from low-income families." There is little protest from the receiving jurisdictions.

More tangibly, Washington has staked its claim—or, more accurately, has fallen heir to—a dominant position in three pivotally important educational areas: research and development, equal opportunity, and, for want of a more descriptive label, educational reform.[3] Out of these have come many of the important recent achievements of American education. Educational research, a traditional low-ranker in state and local educational priorities, has received tremendous stimulation, including the creation of its own National Institute of Education, from the federal government, which now gives it nearly $100 million annually. To dwell on equal opportunity as a federal responsibility is to examine the effects on the nation of landmark legislation and programs to help poor, illiterate, handicapped, minority, and other segments to obtain the education that might otherwise have been denied them. And an excellent case can be made that, even if every penny of the millions that have gone into the nation's schools and colleges since 1965 has been "wasted" (most assuredly not the case), federal aid to the poor and underschooled has helped to foster the development of a deep pool of educational leaders, many from minority backgrounds, who, without it, might never have emerged. Many already hold major policymaking posts. The help Washington proffers is thus stimulative, need-meeting, and welcome. Even when it comes heavily adorned with restrictive regulations and close monitoring, there is little disposition to reject it.

Congress in the Saddle

As elected officials, the President and Members of Congress have the controlling voices in determining the direction and magnitude of the federal role. In a less complicated world, they might actually involve themselves in this process on something like a day-to-day basis. The conjecture is futile, for it has been more than a decade since a President found more than an occasional hour or two for

education. The education-concerned staff member of the Domestic Council of the White House from 1969-1971 estimates that President Nixon devoted perhaps six hours to the substance of educational policy during those two years[4], and (to dispel accusations of partisanship) even President Carter admitted in February, 1978, that education receives no more than 2 or 3 percent of the time he devotes to domestic affairs.

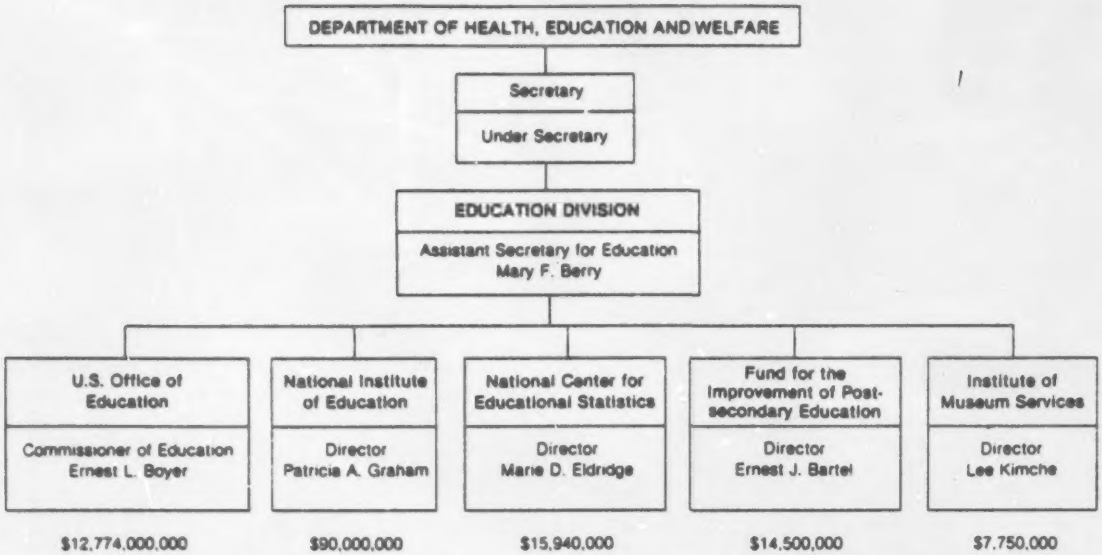
Even more illustrative of the level of sustained attention to education by policy makers in the capital is the situation in Congress where fewer than a dozen Members, most of them in the House of Representatives, have more than a passing familiarity with educational issues or the laws passed to address them. The energies of even the most creative and dependable Congressional friends of education—legislators like Perkins, Pell, Javits, and Brademas—are spread so thin that they appear only occasionally at important hearings of their own committees and spend little time with representatives of national educational organizations.

Yet the Congress has become more assertive, self-sufficient, and competent in education, and the implications of its enormously increased self-confidence profoundly affect federal educational policy. This role is apparent in the cases, among many others, of the landmark Public Law 94-142, The Education for All Handicapped Children Act, and the sections of the Education Amendments of 1972 that literally reorganized the Executive Branch's educational arm—to the considerable displeasure of those occupying key posts within it.

The members who do concern themselves with education enjoy long tenure and have the respect—for their stewardship of educational interests if not necessarily for their detailed knowledge of them—of their colleagues. Those who leave the education committees for greener Congressional pastures remain staunch supporters of education, for example, Shirley Chisholm of New York and Lloyd Meeds of Washington, who left the House Committee on Education and Labor for coveted berths on the Rules Committee. That John Brademas, regarded as education's most outspoken Congressional advocate, has become the third-ranking Member of the hierarchy of the House of Representatives in his twentieth year there, and that Jacob Javits, in his twenty-second year in the Senate, is widely considered to be one of its most creative legislators does education no harm.

More important, the unwillingness of the Nixon and Ford Administrations to support a strong federal role constituted an abdication of responsibility in the view of most members, including many Republicans who believed then as now that Washington must help the schools. Predictably, Congress moved to fill the

The Administration's Education Arm



Dollar figures indicate the Carter Administration's budget request for fiscal year 1979.

gap, and the Executive Branch, which had enjoyed a close operating partnership with Capitol Hill during the more productive Kennedy and Johnson years, lost much of its elan and desire.

Firmly in the saddle, with a nearly mute U.S. Office of Education eschewing innovation while requesting cutbacks, rescissions, and spending deferrals in the early and mid-1970s, Congress became increasingly prescriptive in its legislative product. It refused, in effect, to trust an Executive Branch that it believed had fallen into anti-education hands. Strengthened, too, with the resources of the new Congressional Budget Office and the Budget Committee of both Houses, Congress now possessed new tools to help establish priorities, bring some order to legislative funding activities, and give itself a more authoritative voice in the policy process.

Only rarely in the 1970s, in fact, did the heavily Democratic Congressional committees concerned with education bother, beyond the staging of *pro forma* hearings, to consult with the Executive Branch. Senior Congressional aides and Executive Branch officials once met informally and found common ground that often evolved into federal educational policy; by the early 1970s, the practice had all but disappeared.

Of the chain of events leading to genuine Congressional domination of both process and substance, none has meant more than the growth of competent, qualified staff on both sides of the aisle and, most significantly, in the committees concerned with legislation in education. In 1970 the staff members, notably those involved in the appropriations process, who gave all or most of their time to education could be counted on the fingers of one's hands.[5] By 1977 there were literally dozens. Some were well-credentialed educators. Others were experienced, and often disenchanted, former officials of the Executive Branch. And with the tremendous spurt in responsibility of the 1970s, those who were already on hand developed their professional capabilities as their authority expanded.

But staffers do not vote in Congress, and Congressional budget forecasters still encounter skepticism that sometimes borders on hostility. The Members' attitudes and decisions remain at the center of the Congressional policy process in education as is the case across the spectrum of public policy. Rooted in the realities of the districts and states they represent, Members are not necessarily as responsive to an increasingly rational policy process as their staffs and the representatives of educational interests would like them to be. Indeed, there is scant evidence to suggest that most avail themselves more than passingly of the plethora of educational expertise that is available and eager to help. Instead,

they tend to respect the views of peers, friends, the media, personal staffs, and educational interest groups. Deals are still struck, and the wishes of the powerful of the chambers are not lightly ignored. Much easier to ignore, according to a former senior Congressional staff aide who ranked eleven "variables" that affect a member's voting[6], are policy research studies and reports, Administration views and lobby efforts, and program evaluation studies. To the surprise of no one familiar with Congress, these three items finished ninth, tenth, and eleventh.

However undistinguished education's place may be on the average Member's list of legislative priorities (usually somewhere in the lower middle), there is no dearth of laws to cover nearly every legitimate educational interest. Voting to authorize a federal role for someone's pet cause costs nothing, may create goodwill in the home district, and carries no obligation to support funding, if financial support is even requested. The high-minded International Educational Act of 1966 has yet to receive its first dollar of federal support, for example, while the fashionable Career Education Implementation Incentive Act of 1977, with a whopping $325 million authorization for its expected five-year life, went unmentioned in the Administration's budget requests for fiscal year 1979.

The Executive Branch Regroups

The situation within the Executive Branch shows far less consistency and fewer common trends. The Education Division of HEW, says the conventional Washington wisdom, is an "adhocracy" where issues are settled temporarily but never resolved. In the absence of genuine Presidential concern over education, nobody is really in charge, and territorial imperatives rather than issues of educational substance dominate intellictual energies. And there are few extenuating circumstances that permit a valid distinction between the Nixon-Ford era and the second year of the Carter Administration. The legislative parameters of federal action remain unchanged; there is an annual reorganization; and, to the dismay of the latest batch of newcomers, it is impossible to dislodge any but the top dozen or so top-level administrators.

Few federal educational policy-watchers would disagree that many of the problems inherited by the Democratic Administration are structural and organizational. Although the $22 to $24 billion of federal funds annually earmarked for education in one form or another are spread throughout the government—even in Congress 18 of 22 standing House committees and 17 of 18 in the Senate have an interest in legislation on education—the bulk of the dollars destined for the nation's schools and colleges falls under the administrative control of

HEW's Education Division, which is headed by the Assistant Secretary for Education. It consists of the National Institute of Education, the National Center for Educational Statistics, the Fund for the Improvement of Post-secondary Education, a small unit to coordinate activity related to museums, and, of course, the U.S. Office of Education. Of President Carter's $12.8 billion request to Congress for Education Division-based educational programs (he asked for approximately $9 billion for the rest of the government's educational outlays) for fiscal year 1979, however, the colossus within the Division, the U.S. Office of Education, is to receive $12.6 billion. There is the heart of the problem, for USOE holds the seat of power while technically subordinate to the HEW Assistant Secretary for Education.[7]

As a passionate advocate of effective governmental process, President Carter has already made the Administration's first move, the redemption of his commitment to the National Education Association and to educators generally to elevate education to Cabinet-level status. To Carter the new Department would, among other virtues, "permit closer coordination of federal education programs and other related activities," an assumption that time and Congressional processes may yet render invalid. With 50-plus Senators co-sponsoring the necessary legislation and much of the nation's educational community urging swift action, it would be logical to assume early adoption of the proposal and creation of the new Department.

But life in the federal capital is not that rational. Combine the opposition of HEW's leadership to the new unit (no one in Washington will surrender bureaucratic turf without a stiff, often dirty, fight); the inevitable, time-consuming task forces that will reconnoiter every inch of education's terrain to determine the Department's composition; the widely divergent views of the education world (while the NEA presses, the American Federation of Teachers, smaller but politically astute, opposes, and higher education is only perceptibly pro)—and there may be no new Department until 1980 or 1981. The nation's educational establishment should not hold its collective breath in anticipation.

A Tenuous Coalition

Can creative, even sensible, decisions on educational policy and effective programs emerge from a lame-duck Executive Branch structure mired in a Department widely considered to regard its H (heath) and W (welfare) as deserving higher priority than its much smaller E? Can the Carter Administration's educational program be navigated effectively through the Congress? Will the competition for bureaucratic turf at several levels—within the Education Divi-

sion, throughout the Executive Branch, between a muscle-flexing Congress and a transitional governmental structure—demoralize the players and clutter the arena?

The early answers are not entirely negative. The virus of territoriality is pervasive, and professional relationships at and near the top of the policymaking apparatus are only adequate (civility does not necessarily imply compatibility). Yet there is common purpose, and the components of the existing system for making educational policy, which is often described as crazy, irrational, and bizarre, have somehow managed to obtain Presidential sponsorship of one of the best legislative and budgetary packages in more than a decade. This may have been the highest hurdle in the process, for Congressional approval of most of the package, given the nearly universal desire of both chambers to support education, may come more easily.

Yet, it is almost predictable that one issue, often only distantly related to the processes of education, such as busing, federal support of abortion, or tuition tax credits (the early nominee for 1978), will imperil the Administration's carefully architected package once the Congress decides to appropriate funds for education. It has become the rule, rather than the exception, for Congress to hold educational funding hostage while it debates and often attaches as riders to appropriations legislation, provisions on issues that are often only tangential to the business at hand. When the dust settles, though, the ultimate success or failure of the Carter team's initiatives will not have hinged on one of these issues. They are usually temporary roadblocks, not permanent barriers.

In addition, at various times, hundreds of the Education Division's 4,000 employees have contributed, if unevenly and often accidentally, to the formation of educational policy, at least to that part of it that emerges from the Executive Branch. Policy is often importantly affected, for example, by the zeal or laxness federal officials may display in the enforcement of civil rights laws and regulations or, as frequently happens, by the sudden availability or withdrawal of funds.

But of the 4,000 persons who work in the Education Division, fewer than 50 do not enjoy permanent civil service status; no more than 25 regularly engage in one of the basic rites of federal educational policymaking: consulting officially with members of Congress or their staffs; and only a dozen or so importantly affect the shape and dimensions of the Administration's legislative proposals. Add to these a half-dozen upper-middle-level officials berthed elsewhere in HEW and the Executive Office of the President, and the real makers, as distinguished from the ultimate approvers, of the government's educational agenda can sit comfortably at one medium-sized conference table.

Of the inner cadre of ten or twelve main educational policy-movers of the Executive Branch of 1977 and 1978[8], only two or three were anywhere near the sources of policymaking power in education within the government 12 or 18 months earlier, and they were not among the top several. Of the rest, most came from universities, two or three from elsewhere in the Executive Branch, and one was a labor union lobbyist. Only one or two had had more than passing contact with the nation's public schools during the previous five years.[9] Of the contingent from higher education, several had either served in the federal government during the Kennedy-Johnson years or had been reasonably close to it in various advisory capacities. The overwhelming majority was white and male. Only one or two had worked in the Carter campaign, but several, in company with some of the nation's more influential educational leaders, had known one another through various pre-1977 assemblies of educational leaders.

That this amorphous, highly capable, and well-motivated group has managed to construct a responsive program and the budget to implement it doubtless speaks well for the Carter Administration's ability to recruit the requisite talent. But any collection of top talent, even the current one, could easily have failed had the Presidential (or, more important in the case of education, the Vice Presidential) commitment not existed.

Tracking down the origins of that Presidential commitment should engage the energies of researchers in politics and education for years to come. For the President's record in Georgia and the shadow of zero-based budgeting, in which the defense of each federal program must start *de novo* every year, did not especially encourage education's friends on the national scene. The President who would never tell a lie did vow, however, to involve his Vice President in all major decisions—and Vice President Mondale is properly regarded as one of education's warmest supporters.

Slicing the Pie

Nearly every word in a legislative program or line in a budget represents the interests of one or more of the nation's hundreds of education-oriented constituencies, several hundred of which have national offices in Washington. The issue of support for the proposed Cabinet-level Department of Education finds these constituencies widely apart. Even when common interests should transcend issue-by-issue divergence, their priorities frequently differ. Elementary-secondary and higher education, for example, often seem to inhabit different planets, and even within what might appear to be natural alliances, such as among groups representing handicapped children, there is fragmentation and sometimes suspicion.

Only during the Nixon-Ford years was there a semblance of unity among the factions, and this occurred on an *ad hoc* basis and only in the face or wake of Presidential vetoes of legislation to fund educational programs. But common cause was short-lived and achieved only when serious financial crisis brewed. Even as education's lobbies, special interest groups, and professional organizations moved to Washington, there was little evidence that their collective case greatly influenced the processes that make federal policy.

What passes for a federal policy process often exasperates and infuriates participants, beneficiaries, and observers alike. Policy, ideally the systematic development of appropriate responses to demonstrated public needs, often appears to be the crude product of a Presidential whim or a Congressional reaction to a momentarily publicized shortcoming of the educational system. The cases of the education constituency's contending forces are seldom the yield of a rational balancing of special interests. They are, rather, presented on a take-it-or-leave-it basis. If education is finally learning that jargon and verbosity are red flags to the makers of public policy, it has not yet come to understand that other human services may justifiably demand more of their attention. To state it more baldly, educational interests must recognize that theirs is not a "growth industry" and that their claim to the notoriously short-spanned attention of congressional decision-makers is not strong.

It is thoroughly predictable that education's many-sided constituency will not distinguish itself as structural change develops with formal consideration of the new Department. It will support, attack, propose alternatives to the new Department and otherwise show the Congress and the nation that education's act is not together on many important issues. But Congress and the Executive Branch will hardly do better. Both will continue to take their cues from forces outside of the world of schooling that have dominated educational policy for a generation—the needs of national security and of the economy, the dictates of the courts, social issues such as youth unemployment—and will therefore treat education in a reactive rather than a creative fashion.

The auguries for education as a key federal concern during the next several years are nevertheless not all bad. Slowly, almost silently, the states are reasserting their legitimate primacy and, in the process, developing (with substantial federal assistance) the capacity to maintain it. It is debatable whether federal prodding was solely responsible, but state-level activity in compensatory, vocational, and bilingual education has increased dramatically during the past eight to ten years, and higher levels of funding for educating handicapped children are inevitable.

The major features of federal concern—access, quality, and reform—appear pretty well set, even though creation of a Department of Education, which may add new programs emphasizing, for example, vocational training or science education, may cause transitional imbalances and new emphases. And within the federal system there is the distinct prospect of solid collaboration between the Legislative and Executive Branches, which, to understate the case, has been absent since 1968.

Education remains a newcomer to the world of federal policy. Although there has been a U.S. Office of Education since 1867, only the past generation has witnessed significant participation by the federal government in the processes, funding, and governance of education. Now that education has "arrived" in Washington, it is incumbent upon the scattered elements of the huge American educational establishment to begin to consolidate education's position and see that its shared concerns are supported. One form of consolidation should be the creation of a Department of Education capable of mobilizing and focusing the government's main educational resources on populations and problems that it, the states, and local authorities decide require assistance.

A strong fiscal year 1979 budget for education is only a beginning, and the euphoria that it is creating may be short-lived as internecine squabbling—among factions within the Education Division, within the community of associations and lobbies, between Executive and Legislative Branches—breaks out over new and higher priorities and funding levels. Without the unified direction that a Cabinet-level department would provide, the federal educational enterprise will continue to perform unevenly and, in the words of Senator Abraham Ribicoff, the sponsor of legislation to create a new Department, "will continue to be enmeshed with other [non-educational] priorities."[10]

To achieve this consolidation will require a better-informed cadre of leaders throughout the national educational enterprise. To recast an old proverb, "The more things change, the more they do not remain the same." For important change may be in store in the processes that have characterized federal assistance since Sputnik reordered national educational priorities in 1957.

Clearly, the Administration and Congress still need to create the solid balance of respect and authority that a rational federal policymaking system dictates. Education's special interest groups must speak far more often and tellingly with one voice, even when parochial objectives may be temporarily sidetracked. And until a Department of Education can bring permanent order out of today's "adhocracy," the players in the current drama of educational decisionmaking in Washington must demonstrate their continuing capacity to adjust to an im-

perfect system by dampening excessive territorial instincts and accepting organizational solutions that will benefit all of education. For the system of policymaking for education in Washington is in transition, and its outcome, both in structure and in the functions and values that characterize it, will have much to do with the quality of Washington's response to the nation's educational needs.

Notes

[1] Office of the President, Special Analysis, *Budget of the United States Government. FY-1979*, Washington, D.C.: U.S. Government Printing Office, 1978, p. 213.

[2] The U.S. Office of Education, technically part of the Education Division, is responsible for all but a handful of the constantly shifting number, has some 98 percent of the Division's budget, and will doubtless comprise the vast bulk of the proposed Department of Education.

[3] See remarks by Ralph Tyler in Edwin Kiester, Jr., "Ralph Tyler—The Educator's Educator," *Change*, February 1978, p. 34.

[4] Chester E. Finn, Jr., as cited in Joseph N. Crowley, *Washington Policy Seminar: A Report*. Los Angeles: Institute for Educational Leadership and Teacher Corps, 1977.

[5] National Advisory Council on Education Professions Development, *Windows to the Bureaucracy*. Washington, D.C.: U.S. Government Printing Office, 1972, p. 12.

[6] Robert C. Andringa, "Eleven Factors Influencing Federal Education Legislation," in *Federalism at the Crossroads: Improving Educational Policymaking*. Washington, D.C.: Institute for Educational Leadership, 1976.

[7] Testifying before the U.S. Senate Appropriations Committee on February 2, 1978, HEW Secretary Califano said, "It is a two-headed problem for the Assistant Secretary with virtually no money, allegedly at the head of it, and the Commissioner of Education with virtually all of the money."

[8] Two or three senior officials of the Domestic Policy Staff and Office of Management and Budget, the HEW Assistant Secretaries for Education and Legislation and a key assistant or two, Deputy Assistant Secretary for Planning and Evaluation/Education, Commissioner of Education and USOE Assistant Commissioner for Policy Studies, Executive Assistant to the Commissioner, possibly a member of the HEW Secretary's personal staff, and, on an *ad hoc* basis, various staff members from the same organizations.

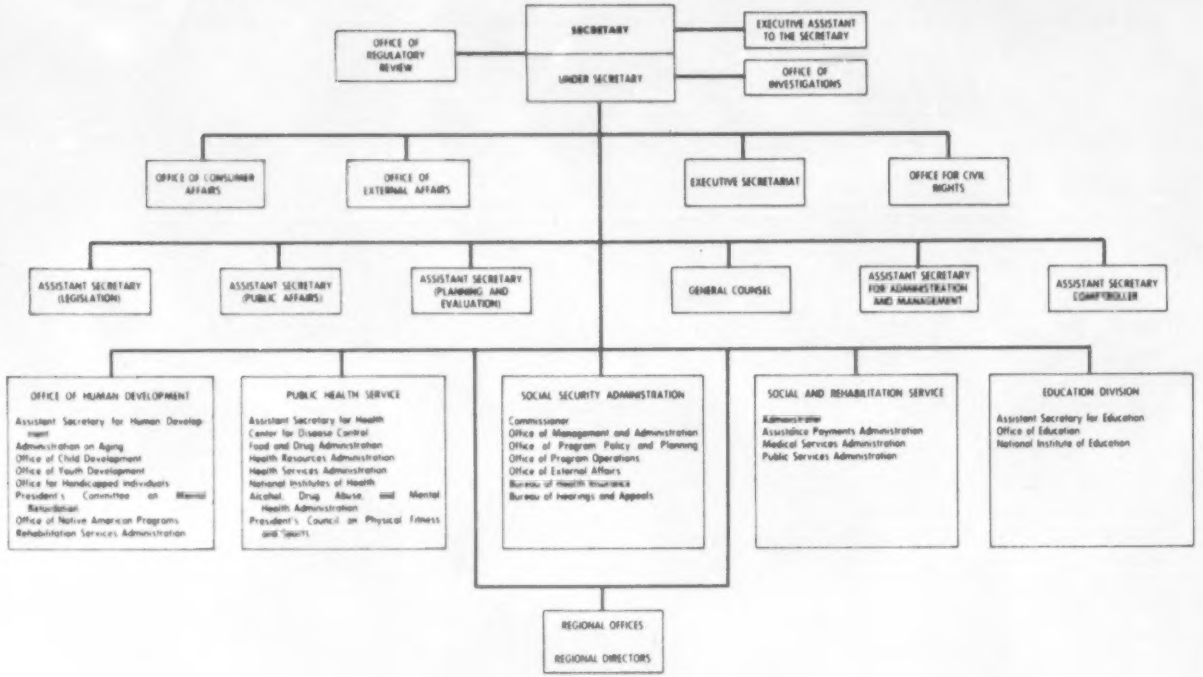
[9] Direct experience with the public schools is by no means a necessary qualification for service at policy levels on educational matters in Washington. The skills of large-scale economic planning, working with Congress, and using political power are not necessarily akin to those of managing an educational enterprise, whether a classroom or a statewide system.

[10] *Congressional Record*, Vol. 123, March 14, 1977, p. S4087.

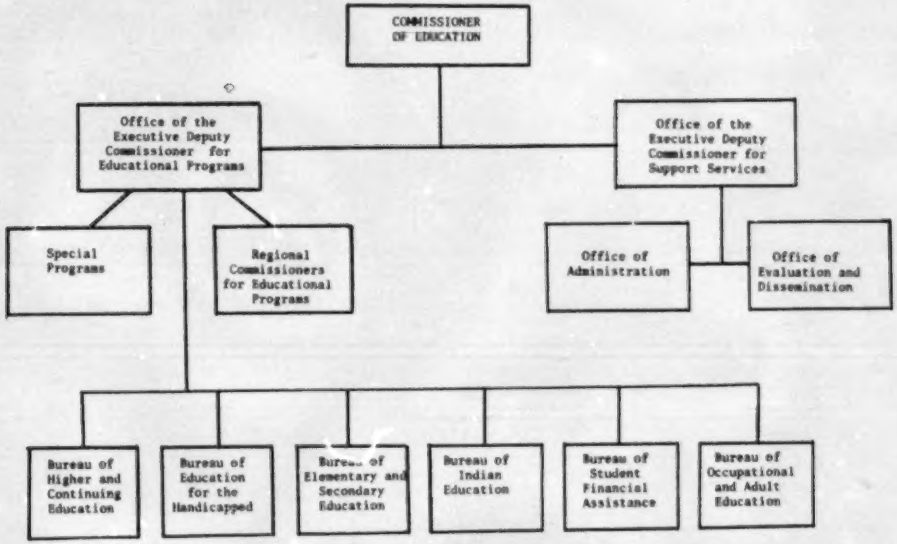
IV

Charts and Tables

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE



U.S. Office of Education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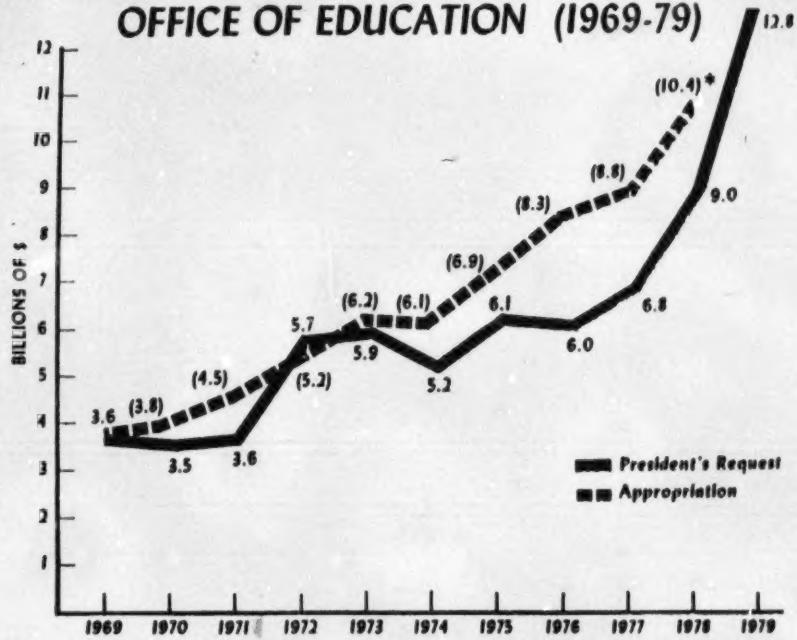
Bureau of Occupational and Adult Education

OFFICE OF EDUCATION
MAJOR FY '79 BUDGET PROPOSALS
(dollars in millions)

PROGRAM	1978 Level	1979 Level	Change
Elementary and Secondary			
Title I	2.735	3.379 *	+644
Handicapped	693	972	+279
Emergency School Aid	310	333	+ 23
Indian Education	60	76	+ 16
Bilingual Education	135	150	+ 15
Title IV/Libraries/Innovation	365	365	--
Vocational/Adult Educ.	733	726	- 7
Impact Aid	831	780 *	- 51
Other	96	68	- 28
Higher Education			
Student Aid	3.785	5.245	+1.460
TRIO	115	115	...
Construction	...	50	+ 50
Developing Institutions	120	120	...
Other	109	85	- 24
Other			
Special Projects	47	61 *	+ 14
Public Libraries	60	60	...
Salaries and Expenses	120	127	+ 7
Other	81	62	- 19
Total	10.395	12.774	+ 2.379

* Legislative proposal

PRESIDENT'S REQUEST VS. ACTUAL APPROPRIATION
OFFICE OF EDUCATION (1969-79)



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